

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
DOCKET NO. 05-10033 NG

LORI ANN MORAN, PLAINTIFF VS. ANDREW DIPASQUA, MICHAEL
SANBORN, WILLIAM F. GAY, III and the ONSET FIRE DISTRICT, DEFENDANTS

AFFIDAVIT OF MARGARET A. ISHIHARA

I, Margaret A. Ishihara, hereby state that:

1. I am an attorney at law licensed to practice in the Commonwealth of Massachusetts with offices at 86 Church St., Mattapoisett, MA. 02739, and I am counsel of record for the Plaintiff Lori Ann Moran.
2. I was present at a meeting of the Onset Board of Water Commissioners on June 30, 2004 at which a vote was taken to terminate the Plaintiff from employment at the Onset Water Department. Attached to this Affidavit is a true copy of a transcript of that meeting prepared at my request from audiotapes provided by the Onset Board of Water Commissioners.
3. There was a gap in the initial set of audio tapes provided. Pages 91 through 117 of the attached transcript should therefore be inserted on page 27 of the attached transcript where the words "Break in Audio – Beginning of Gap in Tape A" appear.

Signed under the pains and penalties or perjury this 2nd day of June 2006

/s Margaret A. Ishihara
Margaret A. Ishihara

CERTIFICATE OF SERVICE

I hereby certify that I have served the within document by mailing a copy first class mail postage pre paid to:

John J. Cloherty, III
Pierce, Davis, & Perritano, LLP
Ten Winthrop Square
Boston, MA. 02110

Date: 2 June 2006

/s Margaret A. Ishihara
Margaret A. Ishihara

THE TAPE TRANSCRIPTION CENTER

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CERTIFICATE

I, Timothy R. Bates, do hereby certify that the following 89 pages, embody true and accurate transcripts. Prepared in the Tape Transcription Center to the best of our abilities, they comprise the complete contents of two audio cassettes provided to us by The Law Offices of Fleming & Ishihara. The cassettes were labeled "Moran, Lori; 6/30/2004; Onset Bd. Water Comm".

April 18, 2006
Date

Timothy R Bates
Timothy R. Bates
Tape Transcription Center

Onset Brd of Water Commisioners
6/30/06 Meeting

1

Lori Moran v. Onset Fire District.doc

SANBORN: OK. Meeting S9 2004, June 30th, 2004. Water
Commissioners Andrew DiPasqua, Brian O'Hearne, Michael
Sanborn, and we have Superintendent William Gay. And
anybody else, if you want to be recognized so that you can
be on the tape, could you please state your name?

__: [inaudible], representing the [Prudential?] Committee.

SANBORN: Anybody that's sitting at the table?

LOWRIE: Attorney Christopher Lowrie, representing Mr. Gay
here.

SANBORN: No? OK.

ISHIHARA: Attorney Margaret Ishihara representing, um, Lori
Moran.

MURRAY: Ian Murray (sp?), uh, representing the Water
Commission.

SANBORN: OK. OK, after our last meeting, we were asked to have
a hearing, so we scheduled it a date, and tonight's the
date. Uh, I'd like to bring in some of the witnesses that
our lawyers were -- were notified that we do have. And the
first person I've like to have, uh, be, uh, Kathi Semple.

[inaudible whispering]

SANBORN: [inaudible]? OK. Kathi, were you present here April
twenty-

Onset Brd of Water Commisioners
6/30/06 Meeting

2

1 ISHIHARA: May -- may I just interject just for --

2 SANBORN: Sure.

3 ISHIHARA: -- one, uh, second on the proc- a couple of procedural
4 matters? Um, one is with regard to the June 17th, 2004, uh,
5 matter of setting up this hearing.

6 SANBORN: [inaudible]

7 ISHIHARA: There is -- there's reference in there, um, which says
8 that the -- only the water commissioners will have the
9 right to, uh, cross-examine witnesses. Um, I had sent a
10 letter to Attorney Murray, and I just state on the record
11 here that, um, because of issues of due process and issues
12 of fairness that I think that we also should be allowed to
13 cross-examine the witnesses. It's a fairly basic, uh, due
14 process tenant, and I think that, um, if we're not afforded
15 that, I don't believe that this will be a fair -- uh, a
16 fair hearing. Um, the other issue is that, um, I see that
17 Attorney Chris Lowrie is here representing, uh --
18 representing William Gay. Again, this is another issue I
19 had -- I had sent a letter to Attorney Murray (sp?), um, on
20 this issue, but I also want to raise this on the, uh,
21 record. Um, Mr. Gay is not the one facing potential
22 disciplinary action in this matter. Um, if he wishes to
23 have an attorney present, I suppose that he is -- he is

Onset Brd of Water Commisioners
6/30/06 Meeting

3

1 able to do that. But Attorney Lowrie should not be allowed
2 to participate -- um, participate in this matter. He is
3 not someone that -- that's a, uh, party in this matter.
4 His, uh, client at best is a -- is a witness. Um, and, um,
5 when we were here the last time, at the last meeting, um,
6 uh, Attorney Lowrie was participating. That was fine, I
7 suppose; it was a matter to try and resolve things. But I
8 think in this formal proceeding that that's not, uh --
9 that's not appropriate. Um, third issue is that the, um --
10 this is -- there is a, um, mention in Mr. Gay's, uh,
11 statement which is attached to the June 17, 2004, uh,
12 letter: a general statement as to, um, alleged, um, past
13 disrespect by, uh, Lori Moran. There is no specification,
14 um, in that statement; uh, we have received no
15 specification as to what incidents he is talking about.
16 So, um, I would object to that being considered in any, uh,
17 general way, or his bringing up any, uh, matters that he
18 say -- that he says supports that statement, because
19 obviously, in order to have an opportunity to be heard, we
20 have to know what those are, specifically.

21 SANBORN: OK.

22 ISHIHARA: So I'm looking for -- with regard to the right to
23 cross-examine and, um, participation by Attorney, um,

Onset Brd of Water Commisioners
6/30/06 Meeting

4

1 Lowrie, I'm looking for some sort of ruling on the, um,
2 Commission on that matter.

3 SANBORN: OK. The --

4 ISHIHARA: "Commissioners," I mean.

5 SANBORN: The cross-examine, as I said before, this isn't a -- a

6 -- a court. All we want to do -- you asked for a hearing,

7 and we agreed to have a hearing. We could've voted on it

8 last week -- I mean, at the prior meeting. But, you know,

9 we figured, to be honest, we'll -- we'll have everybody

10 come in that was involved that day. These are employees of

11 the District. It isn't a court of law. We want -- we

12 don't want to have -- they don't have attorneys. And we

13 don't want to -- to bring them in and have them -- I don't

14 want to say "battered" by you or him, or -- or anybody

15 else. Is -- it's not right for them; it's not right for

16 anybody. I just -- as water commissioners, we just want to

17 find out what happened that day.

18 __: [inaudible]

19 SANBORN: Just the facts. And no one's going to cross-examine

20 anybody. It's just the three of us that's going to a- ask

21 questions, and that's it.

22 ISHIHARA: Well, are you saying -- um, what about our right to,

23 uh, present our, um, um -- our witnesses on this case? Are

Onset Brd of Water Commisioners
6/30/06 Meeting

5

1 we going to have that right? Are we not going to have
2 that, either? I mean, from the way that you are talking,
3 it sounds like --

4 SANBORN: We sent a letter, and I never received any witnesses
5 from your side. And I believe Dan Murray hasn't received
6 any witnesses from your side.

7 ISHIHARA: Well, I think if we're having a hearing, you -- the
8 letter stated, "Do you want us to have anyone here that --
9 that's one of our employees?" OK? But I think I'm
10 certainly allowed to have Mrs. Moran, um, certainly testify
11 on her own, uh, behalf. If it's going to be a hearing, we
12 have to be allowed to present our case; otherwise, it's not
13 a hearing. Notwithstanding that it's not a court of law,
14 um, in order to have a fair presentation of the case, we
15 need to be able to present what we have to say.

16 SANBORN: Well, last meeting, we didn't hear from [inaudible],
17 did we?

18 ISHIHARA: Yes, you did.

19 __: We did.

20 ISHIHARA: Yes, you did.

21 SANBORN: I mean, not -- I mean, you made a lot of the
22 statements, but...

23 ISHIHARA: Well, no. Actually, you did. And the other issue, of

Onset Brd of Water Commisioners
6/30/06 Meeting

6

1 course, is that the last meeting supposedly was to be a

2 discussion of "let's see if we can resolve this matter."

3 This --

4 SANBORN: Right.

5 ISHIHARA: -- is a hearing. If you're saying that, uh, we're not

6 going to be allowed to present any -- any sort of case, I

7 can't think of anything that's more unfair.

8 SANBORN: Lori Ann can talk tonight. It's fine.

9 ISHIHARA: All right.

10 SANBORN: If she wants to talk, that's fine.

11 DIPASQUA: We want to hear --

12 HEARNE: We want to hear --

13 DIPASQUA: -- [inaudible].

14 HEARNE: -- from both sides, right?

15 ISHIHARA: All right. Well, that's --

16 DIPASQUA: From everybody involved.

17 ISHIHARA: -- that's fair.

18 DIPASQUA: We want to hear from --

19 ISHIHARA: But again, I just want to --

20 DIPASQUA: [inaudible] one.

21 ISHIHARA: -- I just want to have my objection on the record as

22 to the right to cross-examine. I think that's very basic,

23 um, in terms of being able to present our c- case or

Onset Brd of Water Commisioners
6/30/06 Meeting

7

1 questioning that, uh, is being presented on the other side,
2 so to speak.

3 SANBORN: I mean, we're just going to ask the basic question of
4 what happened that day. And we're not -- and we're not one
5 to the other. We just -- we want to know what happened
6 that day.

7 ISHIHARA: I understand that. I mean, that's your role
8 [inaudible], and obviously, that's -- that's what we want
9 to have come out, too. Um, and with regard to Attorney,
10 um, uh, Lowrie, is there some sort of ruling on that?
11 Other than the one that no one's going to be allowed to
12 cross-examine anyone?

13 SANBORN: And no one's going to be able to cross-examine
14 tonight. Right. OK?

15 KA. SEMPLE: Can I ask you a question?

16 SANBORN: Sure.

17 KA. SEMPLE: Or do I have to -- can I just talk to you guys
18 and the lawyers, or do I have to talk in front of
19 [inaudible]?

20 HEARNE: That's up to Lori.

21 SANBORN: I'd say we want to keep it open here.

22 KA. SEMPLE: All right.

23 ISHIHARA: Yes. That -- that'd -- that --

Onset Brd of Water Commisioners
6/30/06 Meeting

8

1 SANBORN: OK.

2 ISHIHARA: -- we had requested the last time.

3 SANBORN: [inaudible]

4 ISHIHARA: So we would like this to be an open session.

5 SANBORN: All right. OK? That's fine.

6 HEARNE: [inaudible] the objection to the notices.

7 SANBORN: OK.

8

9 **QUESTIONING OF KATHI SEMPLE:**

10 SANBORN: On -- OK. Kathi, what is your position here at the
11 Water Department?

12 KA. SEMPLE: Officer manager.

13 SANBORN: OK. How long have you been working at Onset Fire
14 Department -- uh, Onset Water Department? Sorry.

15 KA. SEMPLE: Over 24 years.

16 SANBORN: Twenty-four years? Were you present on April 27th,
17 2004 --

18 KA. SEMPLE: Yes, I was.

19 SANBORN: -- in this office? Did you hear what happened that
20 day between Lori Ann Moran and Bill Gay?

21 KA. SEMPLE: Yes, I did.

22 SANBORN: OK. In your words, could you tell us...?

23 KA. SEMPLE: Do you want me to read what I wrote down, or do

Onset Brd of Water Commisioners
6/30/06 Meeting

9

1 you want me to just say?

2 (overlapping dialogue; inaudible)

3 SANBORN: Well, you just tell us whatever you want.

4 KA. SEMPLE: Um, Billy approached me at my desk, and, um,

5 asked me if I would get some, uh, minutes for the meeting

6 together for him. And he said to me, "Will you get this

7 stuff together, because we need --" We were on a time

8 period. And, uh, I was doing the billing, and he said, "If

9 you can get it together, I'll do the tapes, she can do the

10 copying, and you just keep doing the billing." Then Lori

11 said, "'She?' That's all I am is a 'she'?!" And then she

12 kept saying that. Um, she seemed a little upset that he

13 had referred to her as "she." Um, Billy said, "I'm sorry,

14 uh, Lori. I was talking to Kathi, and asked for her to get

15 some stuff together for me. I didn't mean to offend you.

16 I don't even know what I did." Um, I got up; I walked out

17 back. And then I heard, uh, Billy say, um, "Did you just

18 tell me to shut up?" And I came back into the office, and

19 Billy said again, "Did you say for me to shut up?" And she

20 said, "No. It was on my lips, but it didn't come out."

21 And Billy had [inaudible] "Let's just stop. Don't tell me

22 to shut up." So then he went -- he left. And after he

23 left, I said to Lori, "I don't think he meant anything by

Onset Brd of Water Commisioners
6/30/06 Meeting

10

1 that, Lori." I said, "He was talking to me, and he even
2 called me 'you.' 'You get the stuff together for me,' he
3 said. [inaudible] I was doing the billing, and I didn't
4 find it offensive." Which I didn't. I said, "I don't
5 think he meant anything by it." And she again said that
6 she didn't like being called "she" and referred to as
7 "she." And then, it was a little while later, and Jay and
8 Chris came into the office, and Billy called me on the
9 Nextel. And he said, "Ladies, would you remind me to drive
10 [inaudible]? And then, uh, [inaudible] mind giving me a
11 ride home?" Lori said to me, "Tell him I'll give him a
12 ride home on my front bumper." And I kind of shook my head
13 like no, I wasn't going to say it. So she got up, took the
14 Nextel from my hand, and said to Billy, "I'll give you a
15 ride home on my front bumper." Uh, Billy came back on the
16 radio and said, "Kathi, will you give me a ride home?" I
17 told him I would. And he came into the office a few
18 minutes after that and said, um, "Lori, I don't like you
19 making remarks like that on the Nextel. This is your
20 warning -- I'm giving you your verbal warning right now.
21 Don't say stuff like that on the Nextel." "Well, I'm on a
22 'she'" is what Lori kept saying. And then he said, "Well,
23 I'm telling you this is a verbal warning. Now stop it."

Onset Brd of Water Commisioners
6/30/06 Meeting

12

1 says, "Oh, here he is. Here he is. He's at the front
2 door." So I walked back around the front door. She asks
3 Billy again, "Am I fired? Am I fired?" He says, "I'll let
4 you know when you get [inaudible]." I mean, she was a
5 little forceful and she was loud when she was saying this
6 stuff. Um, I don't know, you know, why, because I don't
7 think nothing happened that day, you know, to -- to bring
8 it on. And I don't think he really meant to offend her if
9 he did. You know, and apparently he did, because that's
10 why we're here.

11 SANBORN: OK. What was Bill's tone of voice in his conversation
12 with Lori Ann? Soft? Moderate? Loud? Shouting?
13 Yelling?

14 KA. SEMPLE: When he was saying what?

15 SANBORN: When the conversation was going on.

16 KA. SEMPLE: Um, when he was talking to her about, "I'm
17 sorry," I would say he was talking normal. You know, he --
18 he said, "I apologize. I don't know what I did, but I'm
19 sorry." [inaudible] is talking just like I'm talking. He
20 wasn't yelling. He wasn't, "You're fired!" I mean, he was
21 just talking in a normal voice.

22 SANBORN: OK. What was Lori Ann's tone of voice in her
23 conversation with Bill?

Onset Brd of Water Commisioners
6/30/06 Meeting

13

1 KA. SEMPLE: Well, when she says, "What? Now I'm just a
2 'she'? I'm a 'she'?" it was -- it was loud. Um, when he
3 said to her, "Did you say to me, um -- did you just tell me
4 to shut up?", it was -- she was quieter. You know, I mean,
5 she wasn't rude, you know. It was like a normal voice.
6 She said, "No, I didn't." Uh, when she asked if she was
7 fired, she was starting loud again.

8 SANBORN: OK. Uh, a quick question. Just, uh, [inaudible] did
9 it start? Do you know?

10 KA. SEMPLE: Um, I believe it was after three. I think it was
11 probably -- maybe, uh... I know it was about -- maybe five
12 or ten, maybe even 15 past three.

13 SANBORN: Did you hear -- hear more than one conversation
14 between Bill and Lori Ann that afternoon?

15 KA. SEMPLE: Yes. Well, when he came back into the office and
16 he asked her to stop on the Nextel, that was another
17 conversation. But [inaudible]. And then also in the
18 parking lot, because he had left. And then he came back.

19 HEARNE: How long did this take, do you think?

20 KA. SEMPLE: On and off, it went from like, five, ten past
21 three right up until after four, five past four.

22 HEARNE: What was Bill's tone when you -- he was, um, seeing
23 you -- you heard him say, "Did you say 'shut up'?" Was

Onset Brd of Water Commisioners
6/30/06 Meeting

14

1 that louder.

2 KA. SEMPLE: It was, um, a little bit -- yeah, louder. Yes.

3 I would say it wasn't yelling. I mean, because I was --
4 when he first said, you know, "I'm sorry," he kept like, a
5 basic -- he wasn't upset, no. He was talking -- you know,
6 talking like I'm talking. He didn't get excited, no. He
7 just said, "Did you say 'shut up'?", you know. I mean, he
8 wasn't yelling at her, and she -- at that point, she wasn't
9 yelling back, "No, I didn't say 'shut up'!" She said, "It
10 was on my lips, but it didn't come out." I mean, she was
11 louder when she said, you know, "Now I'm only a 'she'."
12 That was a lot louder, and it was constant.

13 HEARNE: Did you see either Billy or Lori Ann leave the
14 building?

15 KA. SEMPLE: Yes. I saw Lori Ann leave the building, and I
16 saw Billy leave the building a couple of times. Well, he
17 exited out the side door -- you know, because I went out
18 there to check to see if he had left the building, and he
19 wasn't there.

20 HEARNE: And whi- which way did Lori go?

21 KA. SEMPLE: She went out the front door with me, because I
22 waited -- she asked me to wait for her. "Wait with her,"
23 she said.

Onset Brd of Water Commisioners
6/30/06 Meeting

15

- 1 HEARNE: OK.
- 2 SANBORN: So the conversation that started inside --
- 3 KA. SEMPLE: Yes.
- 4 SANBORN: -- it ended outside, too?
- 5 DIPASQUA: There was a conversation out in the parking lot also,
- 6 right?
- 7 KA. SEMPLE: Yes.
- 8 DIPASQUA: Were there any -- during the conversation between Lori
- 9 Ann and Billy and you, at the time when you first started
- 10 early in the morning, who else was coming in and out of the
- 11 building? Or did anybody else come in and out of the
- 12 building at the time?
- 13 KA. SEMPLE: When Billy was talking to me, uh, the first time,
- 14 that he asked me to get the information together, and he
- 15 said that, um, you know, "I'll do the tapes, she can do the
- 16 copying, and you just keep doing the billing," Peter was
- 17 present.
- 18 DIPASQUA: Peter...?
- 19 KA. SEMPLE: Murphy.
- 20 DIPASQUA: And whereabouts --
- 21 KA. SEMPLE: And she --
- 22 DIPASQUA: -- was he?
- 23 KA. SEMPLE: In front of my desk, with Billy. And then later

Onset Brd of Water Commisioners
6/30/06 Meeting

16

1 on, um, when -- with the Nextel, Chris and Jay had come
2 over. That was after.

3 DIPASQUA: And whereabouts were they in the room when that
4 happened?

5 KA. SEMPLE: Um, I [inaudible] Jay was in the office, and I
6 believe, uh, Chris was either in the kitchen or out back.
7 But they were both in the building.

8 DIPASQUA: Where was Lori?

9 KA. SEMPLE: [inaudible]

10 DIPASQUA: If you -- if you're at your desk and Peter was in
11 front, and, uh, (overlapping dialogue; inaudible) --

12 KA. SEMPLE: Peter was in front of my desk, closer to my
13 computer, and Billy was next to him. Lori was over at her
14 desk.

15 DIPASQUA: OK.

16 HEARNE: Had there been any, um, verbal confrontations or
17 anything earlier in the day?

18 KA. SEMPLE: No. Not that I -- not that...

19 HEARNE: OK. Nothing similar or anything like that? No?

20 KA. SEMPLE: No. Like I said, it kind of surprised me,
21 because I didn't...

22 SANBORN: Anything else?

23 HEARNE: No, I got nothing.

Onset Brd of Water Commisioners
6/30/06 Meeting

17

1 DIPASQUA: When, um, you said you heard Lori say that she'd give
2 him a ride home on her bumper, did you, um, take that as --
3 to be a threat? Or just, uh, um -- how do I want to put
4 it? Um, just, you know, something in jest?

5 KA. SEMPLE: Uh, actually, at that period of time, after they
6 had had the -- the argument in the office, um, I wouldn't
7 say it. She had asked me to tell him that, and I said no,
8 and she got up and took the Nextel from me to tell him,
9 because I didn't think it was a good time to even say that
10 at that moment, because they had just had had, you know,
11 words. And she seemed to be upset with him, and like I
12 said, he had left the room. And I just didn't it was
13 appropriate to say that. And so I said I wasn't going to
14 say it, so she got up and said it. And, um, I mean, it's -
15 - it's nothing I would -- would have thought [inaudible]
16 say.

17 HEARNE: What was Lori Ann's tone of voice on the radio?

18 KA. SEMPLE: Um, well, she --

19 HEARNE: [inaudible]

20 KA. SEMPLE: -- just said it so he could hear her.

21 HEARNE: OK. Just...?

22 KA. SEMPLE: I mean, she wasn't screaming, but on -- she
23 wasn't real, real quiet. She -- probably a normal voice,

Onset Brd of Water Commisioners
6/30/06 Meeting

18

1 she was saying it.

2 SANBORN: Now, did you have any conversations, Lori and
3 yourself, over this?

4 KA. SEMPLE: Yes. I had asked her, um -- Billy left after
5 saying about, uh, "she." I had said to Lori, "I don't
6 think he meant anything by it." I said, "Lori, he was
7 talking to me, telling me what to get together. And he
8 just said -- he called me 'you,' and 'you get the stuff
9 together for me, and I'll do the tapes, and she can do the
10 copying, and you just keep doing the billing.' And I
11 didn't take it offensive. He was just having a
12 conversation with me." I says, "I don't think he meant
13 anything by it." And out -- and out in the parking lot, I
14 had a conversation with her. I said, "I think he's walking
15 home, and I think maybe we should just leave." Because I
16 did think Billy was walking home at that point, because it
17 was after four.

18 SANBORN: Anything else?

19 HEARNE: No, I think we should just tell her [inaudible].

20 SANBORN: [inaudible]?

21 DIPASQUA: I [inaudible].

22 SANBORN: OK. Thank you, Kathi. And the second person would
23 be, uh, Peter Murphy.

Onset Brd of Water Commisioners
6/30/06 Meeting

19

1

2 **QUESTIONING OF PETER MURPHY:**

3 MURPHY: I haven't seen this many of my friends since the
4 election.

5 DIPASQUA: [inaudible] question would be, were you standing
6 somewhere between the desk and the coat -- and the, uh --
7 the computer?

8 MURPHY: I was in front of Kathi's desk.

9 DIPASQUA: Had you been there for a while?

10 MURPHY: I came in probably 20 minutes before that. Uh, when I
11 went to the back room with Billy, he asked me -- they had -
12 - they... Just for the record, for all of you, I -- I've
13 been the unofficial technical advisor to the water
14 commissioners and to Billy Gay since he's been
15 superintendent. Um, Ramona Howell (sp?) put in a request
16 for minutes to meetings to water commissioner meetings for
17 Brian for the election. And we had been talking about this
18 for about two days. There was a ten-day right to elect-
19 Right to, uh, Information Act to get it done, and there was
20 a lot of information. So I had talked to Billy about what
21 I would have done. There were -- there are -- there are
22 tapes, there are transcripts, and there are minutes to
23 meetings. So in the back room, I had talked to Billy, and

Onset Brd of Water Commisioners
6/30/06 Meeting

20

1 I said I would give her copies of all the -- the -- the
2 transcribed tapes that she requested, and then if he could
3 make copies of the tapes that weren't transcribed, give
4 them copies of the tapes, and that would cover the right to
5 Freedom of Information, as far as that goes. And that they
6 should tell Ramona that you'd do the best you can, but it's
7 billing season, and with the election coming up, it's very
8 busy. So we were talking out in the back room. So what
9 Billy did was he said, "I'll have Kathi get the -- the, uh,
10 minutes of the transcribed meetings out of the files, and
11 I'm going to make the tapes that aren't transcribed." So
12 he said, "Well, maybe Lori Ann can do the -- do the copies
13 of the transcripts you take out of the filing cabinet,
14 because Kathi is billing, and you should -- you shouldn't
15 hold up the billing." We came out of the office, came to
16 the front of Kathi's desk. I stopped at the counter.
17 Billy came around to the desk and said, "What we're going
18 to do is, if you can get the information together, I'll
19 help her." And she went, "Oh! I'm a 'her'?" And he
20 stopped, and he said, "What did you say?" And he said --
21 she said again, "Oh, I'm a 'her'?" And he said, "I was
22 just talking to Kathi." Kathi said, "He -- Lori Ann," she
23 says, "he's talking to me. We're just trying to get this

Onset Brd of Water Commisioners
6/30/06 Meeting

21

1 all done." So she sat down, and she said, "Billy, just
2 shut up." So then the conversation stopped, because he
3 spun around, and he said, "What did you just say?" And me
4 being me, said, "Well, come on. If we're going to get past
5 this, come on, let's get this done." And they kept
6 talking, so I said, "Well, I'm out of here. See you guys
7 later. Hope you make out OK." And I walked out the back
8 door, and Billy came behind me. Um, at the time I'm going
9 out the door, just for the record, I'm thinking, "I'm glad
10 I'm not the Superintendent." Now, whatever the tone of the
11 voice or the jokes or anything that goes on in the past or
12 anything like that, he's the Superintendent. But that's
13 just my opinion.

14 SANBORN: Approximately how long do you think that all went --
15 took -- transpired?

16 MURPHY: It was probably five minutes at the most that I
17 observed.

18 SANBORN: That's what I'm saying -- just what you observed.

19 MURPHY: I -- and to -- just to go further, I went home, and
20 Billy called me after 4 o'clock and said what had happened
21 and all the rest of it. And just -- just told me. But I
22 didn't ob- observe any [inaudible].

23 SANBORN: There's no one else in your office except yourself?

Onset Brd of Water Commisioners
6/30/06 Meeting

22

1 MURPHY: You know, there's me, Billy, Kathi, and Lori Ann.

2 __: [inaudible]

3 SANBORN: And I'll ask you the same question as -- now, what was
4 Billy's tone when they were talking?

5 MURPHY: Billy was just talking, and then Billy became
6 authoritative when he was talking to Lori Ann, because it -
7 - it came out of nowhere. It was out of the conversation,
8 into the conversation. So he spun around to see what it
9 was all about.

10 SANBORN: OK. What was Lori Ann's tone of voice?

11 MURPHY: I -- she was loud. She wasn't hostile or anything
12 like that, but she was loud, and -- and she wasn't in the
13 original conversation. I mean, I personally look -- didn't
14 understand what she was mad about, but I don't know.

15 HEARNE: Was Billy agitated before this because of the request
16 for the information?

17 MURPHY: No. Not "agitated" per se. Everybody was a little on
18 edge because like I say, around here, it had a -- it -- it
19 had -- it -- it isn't [inaudible] what you think. It's not
20 like, "Oh, we -- we need this in ten days." It -- around
21 here, people bring things, and not for you Brian, but the
22 office up town, everybody comes and they want it now. And
23 it's the billing season. Two times a year, the most

Onset Brd of Water Commisioners
6/30/06 Meeting

23

1 important part of this whole place, and there was a lot of
2 information. So they're trying to sort out what -- the --
3 what was the fastest and easiest way to do it. Everybody
4 was a little agitated that way, but it's just because you
5 had to stop to do what you had to do if you got to tenth
6 day, and that's what they were worried about.

7 SANBORN: OK. So you didn't see Billy or Lori Ann leave the
8 office? You -- you were [inaudible]?

9 MURPHY: Billy ca- I -- Billy came up behind me through the
10 side door when I was leaving, and what happened, where he
11 went from there, I don't know. I didn't see Lori Ann at
12 all. Lori Ann was still in the office when I left.

13 SANBORN: Anything else, Brian?

14 HEARNE: No. The [inaudible] pertained to later. And you said
15 you left five minutes after --

16 MURPHY: Yeah.

17 HEARNE: -- so...

18 SANBORN: Andy?

19 DIPASQUA: No. I'm all set.

20 SANBORN: OK. Thanks, Peter.

21 MURPHY: [inaudible]

22
23 SANBORN: OK. We have two more witnesses, Jay and Chris, but I

Onset Brd of Water Commisioners
6/30/06 Meeting

24

1 I believe they're out on a water leak right now.

2 __: Can you find out how soon they [inaudible]?

3 DIPASQUA: I'm going to put this on pause [inaudible]

4 SANBORN: [inaudible].

5 DIPASQUA: All right. We've going on pause at about seven...

6 (break in audio)

7 SANBORN: All right. We're back on at, uh, about seven...

8 HEARNE: Forty-seven.

9 SANBORN: -- forty-seven. OK.

10 __: [inaudible]

11 SANBORN: So about a 15-minute pause there. OK. Calling Jay.

12 Sit right over there.

13 HEARNE: He should state his full name for the record.

14

15 **QUESTIONING OF KERRY "JAY" SEMPLE:**

16 SANBORN: Yes. Say your full name for the record, Jay, please.

17 KE. SEMPLE: Kerry Semple.

18 SANBORN: OK, Jay. How long have you been working at the Water
19 office here?

20 KE. SEMPLE: Uh, it'll be two years in July -- uh, August.

21 SANBORN: And what's your [inaudible] position?

22 KE. SEMPLE: Uh, laborer.

23 SANBORN: On April 27th, were you working for the Water

Onset Brd of Water Commisioners
6/30/06 Meeting

25

- 1 Department?
- 2 KE. SEMPLE: Yes.
- 3 SANBORN: Uh, were you in the office when the conversation
- 4 between Bill and Lori Ann was going on?
- 5 KE. SEMPLE: Uh, we came in about five of four, probably.
- 6 SANBORN: Five minutes of four? OK. Can you tell me in your
- 7 words what you heard, or what you saw, or...?
- 8 HEARNE: And just quickly, just roughly, where were you when
- 9 you -- when you heard and saw all this yourself?
- 10 KE. SEMPLE: Uh, I'd say at about the middle [inaudible]. I'd
- 11 seen -- see, um, Lori Ann ask Kathi to ask Billy that -- to
- 12 tell him that she'd give him a road home on the bumper, and
- 13 Kathi wouldn't say nothing. And then Lori Ann grabbed the
- 14 thing and said that she would give Billy a ride home on the
- 15 bumper. Then, uh, Billy came in and gave her a verbal
- 16 warning. And she just yelled at him that it was just...
- 17 She yelled like, "Does -- does that mean I'm fired?" And
- 18 Billy just didn't say anything. She yelled again, "Does
- 19 that mean I'm fired?" And Billy at that time just said,
- 20 "I'll let you know," and walked away.
- 21 HEARNE: Where was Billy and -- and Lori Ann's positions in
- 22 that office area physically?
- 23 KE. SEMPLE: Um, she was standing at her desk, and he was

Onset Brd of Water Commisioners
6/30/06 Meeting

26

1 standing I think over there at the computer, maybe?
2 [inaudible]
3 SANBORN: OK. Did you see Bill leave the office after that?
4 KE. SEMPLE: Yeah. He walked out the back door.
5 SANBORN: OK. After that, did you see Lori and Kathi leaving
6 the office?
7 KE. SEMPLE: Um, Kathi left out the back door to see where
8 Billy went, and he had walked down the hill. And then they
9 both went out the front door, and walked around that side
10 of the building, "both," uh, meaning Kathi and Lori had
11 walked towards the back of the building.
12 DIPASQUA: Did you hear any conversation outside?
13 KE. SEMPLE: Uh, not really. I was [inaudible] -- clocking
14 out [inaudible].
15 HEARNE: What was Lori's tone when you heard her say, um, the
16 "ride on the bumper" thing?
17 KE. SEMPLE: What was the tone?
18 HEARNE: Yeah.
19 KE. SEMPLE: I don't know. She was talking on the radio.
20 HEARNE: So just a normal voice?
21 KE. SEMPLE: Yeah. She just said that she was going to --
22 that she'd give him a ride home on his bumper.
23 SANBORN: OK. Between those and Lori Ann's -- and their

Onset Brd of Water Commisioners
6/30/06 Meeting

27

1 conversation, their voices, what was -- can you tell me,
2 was it moderate, loud, soft when they were talking to each
3 other?

4 KE. SEMPLE: Um, Lori Ann was a little bit louder than --
5 Billy wasn't really too loud. He was just talking.

6 HEARNE: Roughly how long do you think this -- this was going
7 back and forth?

8 KE. SEMPLE: Roughly five minutes, maybe?

9 HEARNE: How long would it -- how long did you say?

10 KE. SEMPLE: Roughly about five minutes.

11 HEARNE: Five minutes?

12 SANBORN: So you came into the office -- you said what? Five
13 minutes of four?

14 KE. SEMPLE: Yeah, roughly about that. It was -- [inaudible]
15 getting ready to go.

16 SANBORN: During that day, did you hear any other conversation
17 between, uh, Bill and Lori Ann?

18 KE. SEMPLE: No. [inaudible] working, came in.

19 SANBORN: Well, let --

20 [BREAK IN AUDIO - BEGINNING OF GAP IN TAPE A]

21 Tape 2, Side A

22 QUESTIONING OF WILLIAM F. GAY, III

23 SANBORN: -- [inaudible]. And he says one -- one water

Onset Brd of Water Commisioners
6/30/06 Meeting

28

1 commissioner did resign; one -- one is related to Lori Ann,
2 and it was just myself, and there was no way that I could
3 act on anything.

4 HEARNE: Oh, OK.

5 SANBORN: And it got to a point -- time just marched on, and
6 there wasn't time to get a letter from Lori Ann's lawyer.
7 And that kind of just -- once we get that, then we notify
8 our lawyers. And he just...and that whole period, we still
9 couldn't decide on anything, because there's only one
10 member of the board.

11 DIPASQUA: I had one other item, but I just lost it. Um, the
12 first paragraph, down at the end, it says, "Lori followed
13 me out to the loading dock?"

14 GAY: Yes, she did.

15 DIPASQUA: And proceeded to badger you again?

16 GAY: Yes.

17 DIPASQUA: The -- the pair of witnesses said she never left the
18 office until 4 o'clock. She went out the front door with
19 Kathi.

20 GAY: She never -- she went to the loading dock, to the door to
21 the loading dock. I don't think she ever stepped on the
22 loading dock, but she was there. They might have missed
23 that point.

Onset Brd of Water Commisioners
6/30/06 Meeting

29

- 1 HEARNE: And you had continued on walking at that point? You
2 went out the door or out the dock and [inaudible]?
3 GAY: Yes.
4 HEARNE: [inaudible]
5 SANBORN: Uh, your last words to Lori Ann was -- when you left
6 the building, what were they?
7 GAY: N- not really much, except for when -- when you go back to
8 the "shut up" thing. I -- I was -- I was in a situation
9 where I felt trapped. And I don't lie.
10 SANBORN: So you -- when you walked out, you -- you were with
11 Peter and...?
12 GAY: Kathi.
13 SANBORN: Kathi?
14 GAY: Yep. [inaudible].
15 HEARNE: Who were you -- later on, when you went out the second
16 time, who were you with?
17 GAY: I went out the first time with Peter and Kathi. Came back
18 in. Left the second time [inaudible]. Got the Nextel
19 [inaudible]. Came back. Left again, hoping that she would
20 leave. And she didn't.
21 DIPASQUA: All right. The third time, you we're -- you were by
22 yourself again?
23 GAY: Excuse me?

Onset Brd of Water Commisioners
6/30/06 Meeting

30

1 DIPASQUA: The third time, you were by yourself?

2 GAY: When I left?

3 DIPASQUA: Yes.

4 GAY: Yes.

5 DIPASQUA: Yeah. When you started walking out, down around...

6 GAY: Down around.

7 HEARNE: Which time was it that Lori followed you out onto the
8 dock?

9 GAY: It was right after she had told me to shut up.

10 HEARNE: And is that when Peter and Kathi went out also?

11 GAY: Yes, and I believe that they missed that point, too. If
12 you asked them that question, they may have a different
13 answer now that it was brought out.

14 DIPASQUA: So the -- it's a real threat you feel is for future
15 incidences such as sexual harassment, um, instances, or
16 anything like that at this point?

17 GAY: Yes, I do feel very afraid of that.

18 SANBORN: What about your authority as the Superintendent?

19 GAY: I feel like if she [inaudible], I can't have no authority
20 at all over her. I don't, um -- I don't think anybody
21 would. I think she would have free reigns. Because that -
22 - it did degrade that authority that much.

23 HEARNE: Was anyone else agitated during that workday, where --

Onset Brd of Water Commisioners
6/30/06 Meeting

31

1 I don't know if you have -- you have -- we have a small
2 department of five people, and after a while, things are
3 going to happen, no matter -- no matter what. Was anyone
4 else agitated earlier in the day, or...?

5 GAY: Not that I know of.

6 HEARNE: Later on in the day? Or...?

7 GAY: Not that I know of.

8 SANBORN: OK. Another person? I (inaudible).

9 HEARNE: [inaudible] Do you have any?

10 __: [inaudible], sir.

11 __: [inaudible] If it comes back, I'll quickly ask it for
12 you.

13 SANBORN: OK, thank you. OK. You are next.

14 __: Is --

15 ISHIHARA: [inaudible]? Thank you.

16

17 **QUESTIONING OF KATHI SEMPLE:**

18 DIPASQUA: -- is Kathi still here? Could I ask Kathi a question?

19 SANBORN: I don't know if she's still here or not.

20 DIPASQUA: Kathi?

21 KA. SEMPLE: What?

22 DIPASQUA: Can I ask you another question, please? I'm sorry.

23 I forgot before. You can stand right there. You don't

Onset Brd of Water Commisioners
6/30/06 Meeting

32

1 have to...

2 KA. SEMPLE: Oh, I'm fine.

3 DIPASQUA: Um, on the statement on the Nextel that, um, she
4 wanted to give him a ride home on the front of the bumper,
5 if he didn't -- if you perceived this statement as
6 threatening, why wouldn't you have sent Lori home right at
7 that time, before Billy even got back?

8 KA. SEMPLE: That's -- this was, uh, um, probably between
9 Billy. I just don't think that statement should have been
10 made. That's why I wouldn't repeat it.

11 DIPASQUA: OK. OK, fine. Thanks.

12 SANBORN: OK.

13 ISHIHARA: That's it?

14 SANBORN: Yeah.

15 ISHIHARA: Thank you.

16

17 **QUESTIONING OF LORI MORAN:**

18 ISHIHARA: Uh, Mrs. Moran, would you please state your name and
19 your address for the record?

20 MORAN: Lori Ann Moran, 88 Main Avenue in Onset.

21 ISHIHARA: And what's your job title with the Water Department?

22 MORAN: Office clerk.

23 ISHIHARA: And when did you first become employed by the Water

Onset Brd of Water Commisioners
6/30/06 Meeting

33

1 Department?

2 MORAN: Uh, April 1st. It's -- it's been two years, so 2002.

3 ISHIHARA: And, uh, before you started working for the Water

4 Department, were you employed elsewhere?

5 MORAN: Yes. [inaudible] Cranberry Commons in -- right down

6 here at East Wareham.

7 ISHIHARA: And, um, so how long did you work at -- is it

8 [inaudible]?

9 MORAN: I was there for 13 years, and, um, I worked for

10 Cranberry Commons, um, off and on for 15 years, part time

11 and full time. I had left [inaudible] once for two years,

12 or about a year-and-a-half, two years to go full time for,

13 um, Cranberry Commons. And then, I went back to

14 [inaudible] a second time.

15 HEARNE: How long were you at Cranberry Commons [inaudible]?

16 MORAN: O- over the course of 15 years. It was part-time. I

17 used to do laptop work at home for him, so I could do that

18 late.

19 HEARNE: [inaudible]?

20 MORAN: Yeah. And I did work full-time for him [inaudible],

21 maybe.

22 HEARNE: That's approximately how long?

23 MORAN: A year-and-a-half full-time.

Onset Brd of Water Commisioners
6/30/06 Meeting

34

1 ISHIHARA: And with regard to, um, uh, [inaudible], who was your
2 -- who was the, uh, owner or your supervisor there?

3 MORAN: Uh, [inaudible] Steven Santos (sp?) and Patrick
4 Giodano (sp?).

5 ISHIHARA: And, um, was any disciplinary action ever taken
6 against you there? No? Did you get raises while you
7 worked there?

8 MORAN: Yes.

9 ISHIHARA: On a regular basis?

10 MORAN: Yeah. I doubled my income while I was there.

11 ISHIHARA: And, um, with regard to, um, uh, Cranberry Commons,
12 can you tell us what your job duties were there? Did --
13 did they vary somewhat?

14 MORAN: They varied from the beginning to the end. I started
15 off as [inaudible] as a laborer and worked my way up to,
16 uh, Peter's personal secretary and, you know, ran the
17 office and did the bookkeeping for him.

18 ISHIHARA: And for the record, who -- who is Peter?

19 MORAN: Peter Ferry (sp?) is the owner of, um, Cranberry
20 Commons, which used to be [inaudible] Redemption.

21 ISHIHARA: And did you ask him to write a letter, um, on your
22 behalf for this, uh, hearing this evening?

23 MORAN: Yes, I did.

Onset Brd of Water Commisioners
6/30/06 Meeting

35

1 ISHIHARA: Um, I'd like to offer a letter -- it's dated, um, June
2 20th, 2004 -- from, uh, Peter Ferry (sp?) with regard to
3 Lori Ann -- Lori Ann. And this is the, um -- this is the
4 original. I have copies for the other commissioners.

5 SANBORN: You know, we basically [inaudible] this within the
6 night of -- the day of April 27th. So that's why I'm
7 [inaudible] out if we can even let this in.

8 ISHIHARA: The, um -- the issue on this, um, with regard to this
9 letter, I think, is that there, um, have been some
10 allegations made here this evening that, uh, Mrs. Moran is
11 somehow a -- a, um, a threatening, hostile sort of person.
12 And so I'd like to countermand that or contradict that with
13 a statement from a previous employer, which certainly
14 indicates that that's not the case. And -- and I'd just
15 like to state, too, that I think that, um, most of the
16 people that are here today that know, uh, Lori Ann Moran
17 would tend to agree that -- that she's not a hostile,
18 threatening sort of person. So I think that is an issue,
19 even though this doesn't talk specifically about the April
20 27, uh, two thou- 2004, um, incident, and ask that you
21 accept that as a -- as an exhibit.

22 __: [inaudible]

23 ISHIHARA: Turning now to April 27 of 2004, um, were you in the

Onset Brd of Water Commisioners
6/30/06 Meeting

36

1 office that day?

2 MORAN: Yes, I was.

3 ISHIHARA: And were you in the office around 3 pm?

4 MORAN: Yes, I was.

5 ISHIHARA: And, um, can you tell us around 3 pm where you were?

6 MORAN: At my desk.

7 ISHIHARA: And who else was, um, in the immediate office -- or
8 immediate vicinity of your desk?

9 MORAN: Um...at ten after three [inaudible], Peter Murphy came
10 in, um, and that made it -- so it was Peter Murphy, myself,
11 Superintendent Gay, and Mrs. Semple.

12 ISHIHARA: And, um, was there any conversation going on at that
13 time?

14 MORAN: Yeah. We were just -- general conversation that we
15 usually have at the Water Department.

16 ISHIHARA: And at -- at some point, did you go to your -- um, go
17 back to your desk?

18 MORAN: I never left my desk.

19 ISHIHARA: OK. And, um, at some point, did the conversation turn
20 to a matter having to do with the, uh -- with the tapes and
21 the minutes that we heard talked about --

22 MORAN: Yes.

23 ISHIHARA: -- earlier this evening? And, um, did Mr. Gay have

Onset Brd of Water Commisioners
6/30/06 Meeting

37

1 anything to say about the tapes and the minutes?

2 MORAN: He was speaking to Kathi and Peter about the minutes.

3 ISHIHARA: And, um, for the record, can you tell us how far away

4 is your desk from the place where, uh, uh, Mr. Gay and

5 Kathi Semple were -- were speaking?

6 MORAN: The desks were exactly the way they were, and always

7 have been. I'd -- give or take, ten feet.

8 ISHIHARA: And, um, could you clearly hear what, um, Kathi Semple

9 and Mr. Gay were saying?

10 MORAN: Yeah, just because of where I'm sitting.

11 ISHIHARA: OK. And what -- what -- what was Mr. Gay saying?

12 MORAN: Um, that he wanted the -- to take care of, um,

13 Ramona's request for copies of the minutes of the meeting,

14 and the tapes, and that type of stuff.

15 ISHIHARA: And, um, did he make any reference to you in that

16 conversation?

17 MORAN: He, um -- I'm assuming it was me, because he was -- he

18 wasn't -- wasn't using my name.

19 ISHIHARA: Well, what did he say, specifically?

20 MORAN: "Kathi, you can, um, get the -- uh, copies out of the

21 file, the minutes of the meeting, and -- and she can make

22 the copies, and she can, um, staple them all together and

23 get them in order." That type of stuff.

Onset Brd of Water Commisioners
6/30/06 Meeting

38

1 ISHIHARA: Was there anyone else around other than, um, yourself
2 and Kathi Semple, and Mr. Gay, and Mr. Murphy?

3 MORAN: Not that I'm aware of.

4 ISHIHARA: And how often, um -- you say that you felt that Mr.
5 Gay was referring to you as -- as "she" and "her." How --
6 how often did he make that reference to you?

7 MORAN: It was probably three or four times.

8 ISHIHARA: And, um, after you heard those references to yourself,
9 uh, did you say anything?

10 MORAN: Yes, I did.

11 ISHIHARA: What did you say?

12 MORAN: I said, "Excuse me, Kathi, but 'he' and 'she' that" --
13 I'm sorry -- "the 'she' and 'her' that he is referring to,
14 um -- that Billy is referring to is me. I'm sitting right
15 here."

16 ISHIHARA: And, um, did you raise your voice when you said that?

17 MORAN: No. I just said, "Excuse me, Kathi." You know, they
18 were talking, and I just wanted to interrupt the
19 conversation because I didn't -- I didn't appreciate it.

20 ISHIHARA: OK. And, um, did -- did, um, Mr. Gay say anything at
21 that point?

22 MORAN: Um, he just basically told me I wasn't part of that
23 conversation, you know?

Onset Brd of Water Commisioners
6/30/06 Meeting

39

1 ISHIHARA: Did he apologize?

2 MORAN: No. Not at all.

3 ISHIHARA: And, um, after Mr. Gay told you, you know, you're not
4 part of this conversation, um, what happened next?

5 MORAN: I just said, "I really don't like you talking --
6 referring to me like that." That I have a name, and my
7 name is Lori, and I prefer that you call me "Lori" when
8 you're speaking of me or to me. I don't like being called
9 "she" or "her." And, um -- and then he responded back to
10 me, "It's only words. Get over it."

11 ISHIHARA: At that point, did, um, uh, uh, Miss -- Mrs. Semple
12 and Mr. Murphy, uh, leave -- leave the, um, area of your
13 desk?

14 MORAN: Yeah. They -- they were never at my desk. They were
15 at Kathi's desk.

16 ISHIHARA: And, um, they left Kathi's desk. Where did they go?

17 MORAN: Out back, to- towards the -- the back entrance, the --
18 towards the loading dock. I didn't get up, so I don't know
19 if they went out to the loading dock, or if they were just
20 right around the corner.

21 ISHIHARA: And, um, at -- at some point, did Mr. Gay leave after
22 they had left?

23 MORAN: Mr. Gay had come into the office. He had to -- just

Onset Brd of Water Commisioners
6/30/06 Meeting

40

1 to get the tapes and stuff that they were discussing.
2 ISHIHARA: When you say "the office" here, you're referring to --
3 MORAN: I'm sorry.
4 ISHIHARA: -- the Water Commissioners' office?
5 MORAN: The Water Commissioners' office. That's what we refer
6 --
7 ISHIHARA: (inaudible) office.
8 MORAN: -- to it as.
9 ISHIHARA: OK. And, um, after Mr. Gay went into the
10 commissioners' office, um, did he come back out into, um,
11 the office, or the area of the office --
12 SANBORN: (inaudible)
13 ISHIHARA: -- near your desk?
14 SANBORN: Oh, that's yours. Oh.
15 ISHIHARA: Excuse me. (inaudible)? Sorry about that.
16 __: It's all right.
17 ISHIHARA: So you say Mr. Gay went into the, uh, Water
18 Commissioners', um, room. Where did he next go after that?
19 MORAN: He came back through the office -- through the main
20 office.
21 ISHIHARA: And, um, he came back past -- did he come back past
22 your desk?
23 MORAN: Yeah.

Onset Brd of Water Commisioners
6/30/06 Meeting

41

1 ISHIHARA: And was there any conversation at that point between
2 you and he?

3 MORAN: Yes, there was.

4 ISHIHARA: And what did you say, and what did he say?

5 MORAN: I just said, "Billy, I'm sorry that you don't
6 understand why it's important to me not to be called 'she'
7 or 'her'." I said, "It's a pet peeve with me. I really
8 don't like it." And I says, "I'm -- I just don't -- I
9 don't want to be referred to as that." And he said, "Like
10 I said, it's only words." And I said, "No, but it just..."
11 I said, "No, I'm not going to get into this. I'm -- I'm
12 not that type of person, and I just want you to understand
13 that I don't like being called 'she' and 'her'." And he
14 said, "Don't you tell me to shut up!" And I said, "Billy,
15 I did not tell you to shut up." And he walked around the
16 corner, and I heard him say to I assume Mr. Murphy and Mrs.
17 Semple that, um, "She'll never get away with telling me to
18 shut up."

19 ISHIHARA: Um, when you, um, told, um, Mr. Gay that, um, uh, you
20 didn't, um, wa- want to be called "he" or -- I mean, called
21 "she" or "her," uh, that it was a pet peeve of yours, did
22 you raise your voice?

23 MORAN: No. Neither one of us ever raised our voices.

Onset Brd of Water Commisioners
6/30/06 Meeting

42

- 1 ISHIHARA: Did you, um, stand up?
- 2 MORAN: No.
- 3 ISHIHARA: At your desk?
- 4 MORAN: No.
- 5 ISHIHARA: You remained seated at your desk?
- 6 MORAN: The whole time.
- 7 ISHIHARA: And, um, you never told Mr. Gay to shut up?
- 8 MORAN: No, I didn't.
- 9 ISHIHARA: And at that point, Mr. Gay went out into the, uh,
- 10 loading dock area? Is that correct?
- 11 MORAN: Around -- around the corner.
- 12 ISHIHARA: Around the corner?
- 13 MORAN: Yeah. It's through that door.
- 14 ISHIHARA: OK. And, um, is -- is that what you referred to as
- 15 "the back room?"
- 16 MORAN: Yeah. The loading dock is off of the back room, so...
- 17 ISHIHARA: And after that happened, um, uh, when did you next see
- 18 Mr. Gay in the office?
- 19 MORAN: Um, after he came back. The Nextel call. There was
- 20 no other time that he came back and then out. It was just
- 21 that. He left.
- 22 ISHIHARA: And about what time did the so-called "Nextel call"
- 23 take place?

Onset Brd of Water Commisioners
6/30/06 Meeting

43

1 MORAN: About -- just about closing time. It was like, two
2 minutes of four.

3 ISHIHARA: So, um, this was maybe 40 or 50 minutes after he'd
4 left, um -- left the office, then?

5 MORAN: No, I -- a little bit less than that. Probably 20
6 minutes, 25 minutes.

7 ISHIHARA: And, um, can you tell us what happened with regard to
8 the so-called "Nextel conversation?"

9 MORAN: Um, Kathi had just spoke to Chris and Jay and said
10 that, um -- "Do you guys know where Billy is?" And Jay
11 said no. Jay said that -- because she was questioning
12 whether he was coming right back, or if they had -- if they
13 knew he was on another call or whatever. And Jay said no.
14 She said she's just going to call and check to see if he
15 needed a ride home. His vehicle was broke. And, um, so
16 she called him on the phone, and she said, "Bill, do you
17 realize it's two minutes of four? Do you -- do -- are you
18 coming in?" He said, "Yeah, I'm on my way." And he said,
19 "By the way, can I catch a ride with you?" He says, uh,
20 "My vehicle's broke." And, um, I said, "Hey, Kathi, why
21 don't you just joke with him and -- and, uh, tell him I'll
22 give him a ride home on the bumper of my van." And I said
23 -- I am sorry. I -- I -- I said that wrong. I said,

Onset Brd of Water Commisioners
6/30/06 Meeting

44

1 "Kathi, tell him just -- tell him Lori will give him a ride
2 home on the bumper of her van." And Kathi refused to -- to
3 -- to do that. And I said, "Oh, he'll know we're kidding.
4 Just give me the Nextel." And I took the Nextel and, um,
5 Chris and Jay and Kathi were all standing right there. And
6 I said, "Hey, Billy, it's Lori. I'll give you a ride home
7 on the bumper of my van." And, um, he didn't say anything
8 back to me, and all I heard then was, um, Billy come back
9 on and said, "Kathi?" And she had taken the Nextel back
10 from me at that point, and she said, "Yes, Bill. I will
11 give you a ride home." In other words, she -- he didn't --
12 he didn't want to say anything more to me.

13 ISHIHARA: Good. Um, did you -- did you grab the phone away from
14 Kathi, essentially?

15 MORAN: No, I just -- she passed it to me. So I mean, I put
16 my hand out; she put it in my hand. I didn't grab it.

17 ISHIHARA: Did the, um, other two, uh, uh, people that were there
18 have any reaction to your statement?

19 MORAN: They just kind of smiled and laughed. You know, it
20 was -- it was not meant to be a threat.

21 ISHIHARA: What was your reason for making -- making that
22 statement?

23 MORAN: Just to kind of defuse the situation. Billy, um,

Onset Brd of Water Commisioners
6/30/06 Meeting

45

1 sometimes doesn't like to relax after he gets wound up, so
2 I was just trying to defuse it a little bit, you know? And
3 I knew that the earlier conversation had probably upset
4 him. I don't know why, but -- because I did try to
5 apologize that you don't understand why I don't like it,
6 but...

7 ISHIHARA: At any time at all prior to the Nextel, um,
8 conversation did Mr. Gay apologize to you for referring to
9 you as "she?" Referring to you as "she" or "her?"

10 MORAN: No.

11 ISHIHARA: And, um, after the conversation on the, um, uh,
12 Nextel, did Mister -- Mr. Gay came back into the, um,
13 office?

14 MORAN: Yes.

15 ISHIHARA: Is that right?

16 MORAN: Yes.

17 ISHIHARA: And, um, after he came back into the office, what was
18 the next thing that happened?

19 MORAN: Um, he came through the office and walked over towards
20 the part where the copier (inaudible) is. But as he was
21 walking, he was just, you know, kind of angrily walking,
22 with his arms waving. And he -- "I just wanted to let you
23 know this is your verbal warning. I'm sick of your snide

Onset Brd of Water Commisioners
6/30/06 Meeting

46

1 remarks, and you know, um, they're not going to be
2 tolerated anymore." And I (inaudible), "You've got to be
3 kidding me. I was just joking with you." "This has gone
4 on -- I'm not joking with you. This is your verbal
5 warning." I says, "Well, if that's the case, Bill, then I
6 have every -- I would like to request that in writing: I --
7 that I have requested you not to refer to me as he- as
8 'her' and 'she' again." And, um, he got a little upset and
9 said, "Oh, whatever." And -- hold on a second, please.
10 Uh, then, um... He -- he said -- he said something. I
11 can't remember how -- what -- what actually brought it on.
12 Um... About whatever -- or -- "I -- I'm not -- I'm not
13 going to -- you're not going to get it in writing," or
14 something like that. And I -- then one thing led to
15 another, and -- and he says, um, "Well, if you don't like
16 it, you can leave." I says, "What do you mean by that,
17 Bill?" And he says, um, "You heard me. If you don't like
18 it, you can leave." I said, "Billy, are you asking me to
19 leave because it's 4 o'clock and it's quitting time? Or
20 are you firing me?" And, uh, he said, "You can take it any
21 way you want to." I said, "No, Billy. You need to clarify
22 that. Why are you telling me to leave?" And he says to
23 me, um, um -- I'm sorry. I'm -- I'm getting a little

Onset Brd of Water Commisioners
6/30/06 Meeting

47

1 confused. And he -- he says to me, "Take it any way you
2 want to." I said, "No, I'm not going to. You're going to
3 need to clarify that." And, um, he said, "Hold on a
4 second. Wait a minute," he said. And then he -- he goes
5 around out back to the back door by the loading dock again,
6 and I hear his Nextel beep. And out the back door he goes.
7 And, um -- so we -- we waited, meaning me and Kathi and
8 Chris and Jay, just a couple -- three minutes, and, um,
9 headed out towards the parking lot, because Billy didn't
10 come back in.

11 ISHIHARA: And, um, while you were out in the parking lot, did
12 you see Mr. Gay?

13 MORAN: No.

14 ISHIHARA: You didn't speak to him at all before you -- before
15 you left for home?

16 MORAN: When I was out in the parking lot after I (inaudible)
17 the first time, no. Billy, um -- Billy went out the back
18 door, and me and, um, Kathi and Chris and Jay were standing
19 out front, because he had told me to wait a minute before
20 he went out the back door, um, basically, um, at the end of
21 that (inaudible) back there. And when we went outside,
22 Kathi kind of went to the side of the building here, just
23 to look to see if he was standing out back here, talking on

Onset Brd of Water Commisioners
6/30/06 Meeting

48

1 his Nextel. And I just kind of walked almost towards what
2 would be the -- the handicapped ramp there. Chris and Jay
3 were getting in their vehicles. And all of a sudden, Billy
4 came out the front door, so I just said to Kathi, I said,
5 "Oh! He's over there, Kath." And, uh, I said, "Well,
6 Bill, what's the verdict?" And he says, "I'll let you
7 know." Then he walked across the parking lot and got in
8 Kathi's van.

9 ISHIHARA: And was that the last you saw him that day?

10 MORAN: Yep.

11 ISHIHARA: And, um, when was the next time that -- so you went
12 home after that, right?

13 MORAN: Yes.

14 ISHIHARA: And, um, when was the next time that you heard from
15 anyone at the Onset Water Department?

16 MORAN: The next morning, at 6:54 in the morning.

17 ISHIHARA: And, uh, from whom did you hear?

18 MORAN: Kathi Semple.

19 ISHIHARA: And, uh, that was by telephone?

20 MORAN: Yes. (inaudible).

21 ISHIHARA: And in that, uh, telephone conversation, what did she
22 say, and what did you say?

23 MORAN: She said, "Lori, I've just been called from -- by --

Onset Brd of Water Commisioners
6/30/06 Meeting

49

1 just received a call from, um, Billy, and he's asked me to
2 call you to tell you to stay home for the day, with pay.

3 And, um, he'll let you know your status later in the day."

4 ISHIHARA: And, um, did you hear from Mr. Gay later that day?

5 MORAN: No, I didn't.

6 ISHIHARA: Did you ever receive anything in writing from the, um,
7 Onset, um, Water Department with regard to your
8 administrative leave?

9 MORAN: Um, I did eventually, after I requested it.

10 ISHIHARA: And, um, I'm going to show you a -- I'll give you
11 commissioners copies of this as well. It's not actually
12 dated. Um, it's addressed to Lori Moran from William Gay.
13 It states, "You are on administrative leave for events that
14 -- April 29th, 2004 for events that occurred on April 27th,
15 2004. And you are pending for dis- disciplinary action."

16 MORAN: (inaudible)

17 ISHIHARA: And if you could take a look at the, uh, letter of
18 April 29th, 2004, is that a letter that you received from
19 the, um, Onset Water Department?

20 MORAN: I believe -- I believe so.

21 ISHIHARA: And I'm going to show you another, uh, letter that's
22 dated April 28th, 2004, um, from William Gay to yourself,
23 and ask if you can tell us, is that a, um, letter that you

Onset Brd of Water Commisioners
6/30/06 Meeting

50

1 received from the Onset -- from -- from Mr. Gay at the
2 Onset Water Department?

3 MORAN: Yes, it is.

4 ISHIHARA: And, um, what's in that -- those two, um -- those two
5 letters? Is there anything in them that says specifically
6 what you did on April 27th, 2004 that might have led to your
7 administrative leave?

8 MORAN: Not that I can see.

9 ISHIHARA: Are we marking -- before I go on, are we marking
10 exhibits, um, sequentially by number?

11 HEARNE: I don't think the commission's been doing that.

12 DIPASQUA: Yeah. Well, again, I was (inaudible) them in as --

13 __: (inaudible)?

14 DIPASQUA: -- (inaudible), but I didn't -- I didn't letter or
15 number them. Would you like them to be?

16 ISHIHARA: If -- if -- if you would, that would be helpful --

17 DIPASQUA: OK.

18 ISHIHARA: -- so the, um...

19 DIPASQUA: And, uh, there's the --

20 SANBORN: There's the letter...

21 DIPASQUA: -- letter from, um, Peter Curry will be A. The letter
22 on April 29th will be B. And the last letter is, um, April
23 28th, will be C.

Onset Brd of Water Commisioners
6/30/06 Meeting

51

1 ISHIHARA: At any time on April 27th, 2004, um, did you ever
2 threaten Mr. Gay?

3 MORAN: No, I did not.

4 ISHIHARA: Was there any reason for him to be fearful of "bodily
5 harm," as he -- as I believe he stated it?

6 MORAN: I don't believe so.

7 ISHIHARA: Have you ever been present when, um, uh, Mrs. Semple
8 made any statements, uh, to, uh, Mr. Gay to the effect that
9 he is a liar?

10 MORAN: Yes, I have.

11 ISHIHARA: And when was that?

12 MORAN: Some time in March, the beginning of March.

13 SANBORN: OK. I'm going to stop that. That's -- we're talking
14 about the 27th here.

15 HEARNE: (inaudible)

16 ISHIHARA: I don't have any further questions at this point.

17 HEARNE: Lori, would you like to say anything?

18 MORAN: I don't believe so.

19 DIPASQUA: Do you want a person (inaudible)?

20 SANBORN: What's that?

21 DIPASQUA: Do you want a person to (inaudible)?

22 SANBORN: Oh, yeah.

23 DIPASQUA: OK. Lori, were you angry when you made the "ride on

Onset Brd of Water Commisioners
6/30/06 Meeting

52

1 the bumper" statement?

2 MORAN: No, I wasn't

3 DIPASQUA: How many conversations did you have with Bill that

4 afternoon after the initial conversation concerning what

5 Bill said in reference to you? The "she" statement?

6 MORAN: As I -- just the statement I made on the Nextel, and
7 then when he came back into the building.

8 DIPASQUA: So you're saying basically, there were only two?

9 MORAN: Yeah.

10 HEARNE: When he came back, plus when he went outside after the
11 4 o'clock...?

12 MORAN: So after 3:10, every single time I spoke to Billy: I
13 spoke to him on the e Nextel, I spoke to him when he came
14 back in the office, um, after the Nextel incident, and then
15 we spoke one more time briefly in the -- in the parking
16 lot. I'm sorry.

17 HEARNE: And you said that the tone of both of your voices was
18 not a yelling; it was normal tone?

19 MORAN: I considered it normal tone for the -- all of the
20 conversations.

21 HEARNE: For both of you?

22 MORAN: For both of us, yes.

23 SANBORN: OK. How many other conversations did you have that

Onset Brd of Water Commisioners
6/30/06 Meeting

53

1 afternoon? Was there anything prior to that?

2 MORAN: During the course of the day, there could've --

3 SANBORN: During the day?

4 MORAN: -- been. They could have been one; there could have
5 been ten, you know? I -- it was --

6 SANBORN: Yeah.

7 MORAN: -- you know, it was a busy time of the -- at the...

8 SANBORN: And you hadn't -- no other problems that day?

9 MORAN: No. Not with anyone.

10 SANBORN: Are you sorry that you became angry or upset because
11 of what Bill said in reference to you?

12 MORAN: I didn't become angry. I was upset by it because I
13 don't think it's professional, but I don't think I became
14 angry at any rate.

15 SANBORN: OK.

16 HEARNE: How do you feel the office would function if we were
17 to have you come back to work tomorrow morning at eight?

18 MORAN: I think it would be awkward. At first. But like
19 everything else, time heals. And, um, these aren't
20 strangers. These are people I've known my whole life. It
21 would -- it wouldn't be perfect; I'm not going to say that.
22 But it -- it could -- it could (inaudible) again, you know?

23 HEARNE: Do you regret that you made the "ride on the bumper"

Onset Brd of Water Commisioners
6/30/06 Meeting

54

1 statement?

2 MORAN: In hindsight, yes, I do. Not because I -- because of
3 the text that it ended up being taken in.

4 SANBORN: And I just want to follow up what Brian said. Now,
5 you've had all of your coworkers come, you know, here
6 tonight. And same thing: how would you feel?

7 MORAN: Excuse me?

8 SANBORN: How would you feel with all of your coworkers, even?
9 And not just Bill.

10 HEARNE: Kathi (inaudible).

11 SANBORN: They made statements tonight, too. That...

12 MORAN: I think -- I just said, I've known them all of my --
13 my life. And, um, do you -- do you -- I don't think that
14 it's going to be, you know, happy-go-lucky (inaudible) in
15 the morning, but I mean, it -- it's -- it's like anything
16 else, Mike. I believe time heals all. You know what I
17 mean? You only can be so mad so long, I believe, no mater
18 what the issues is. You know, you didn't -- do you
19 remember, you know, when your bike got stolen when you were
20 ten? You were really mad then, but you -- now, you're 50,
21 you could care less. You know what I mean? Everything has
22 an extreme, you know? You don't -- people just -- you
23 know, unless they really want to, it's almost impossible to

Onset Brd of Water Commisioners
6/30/06 Meeting

55

1 stay mad forever.

2 DIPASQUA: Do you think you could work with these people without
3 getting into any disagreements again?

4 MORAN: Like I said, I've known these people my whole life.
5 I've considered some of them friends, and I believe I could
6 -- I could work things out.

7 HEARNE: The Superintendent did give you a verbal warning?

8 MORAN: Yes, he did.

9 HEARNE: -- on that day?

10 MORAN: Yes, he did.

11 DIPASQUA: Now, how did you feel when he gave you that verbal
12 warning?

13 MORAN: I was shocked, because really, what I said to him was
14 so completely out of text. It was only meant to defuse the
15 situation from -- you know, the ten past three, 20 past
16 three? The -- the first, initial, um, conversation. It
17 was just meant to defuse, um, that. That's all, you know?

18 SANBORN: (inaudible) Now, you said your conversations be --
19 between the two of you is when this happened, it was just
20 normal talking?

21 MORAN: Um, it was just like, "Excuse me, Kathi," and then
22 Billy turned around and said that. You know, there was
23 nothing that I would consider...screaming or hollering, if

Onset Brd of Water Commisioners
6/30/06 Meeting

56

1 that's what you're asking. I'm -- a normal tone of voice.
2 Maybe a little assertive, meaning, um, "It's only words --
3 just get over it." Is -- I mean, he didn't scream it by
4 any means, but he said it with more of an authority, you
5 know? "It's only words -- just get over it." Like, you
6 know, "Lori, just sit there." You know, that type of
7 thing. But I was part of the conversation, as you recall,
8 between myself, Kathi, Billy, and Peter. The conversation
9 drifted over to Kathi's desk about the minutes of the min-
10 meeting, and I had gone back to work entering the notes off
11 of work orders for people who had broken (inaudible) and
12 stuff that past winter. And I was just sitting there
13 trying to concentrate on it, and I just -- I -- I just took
14 offense to, you know, feeling that I didn't exist in the
15 office anymore. Because you know, I'm sitting right there,
16 and -- and "she can do this," and to "have her do that," it
17 was like -- you know, I was just part of the conversation,
18 you know, two or three minutes earlier. Like anything
19 else, I believe there's a right way and a wrong way to say
20 anything. I could be standing outside of (inaudible), and
21 these there could be sitting here, and I could say, "Hey,
22 the guys are out there," or I could say, "Hey, the water
23 commissioners are out there."

Onset Brd of Water Commisioners
6/30/06 Meeting

57

1 HEARNE: OK. Now, you say that -- that Bill never apologized
2 to you?
3 MORAN: Never once.
4 HEARNE: I don't have any other questions.
5 DIPASQUA: (inaudible)
6 SANBORN: (inaudible) do anything (inaudible).
7 HEARNE: Mrs. Moran, can we just have that (inaudible)?
8 MORAN: I'm sorry. (inaudible), did you say something?
9 HEARNE: I just said I don't have any questions. Right now. I
10 was just thinking.
11 DIPASQUA: While he's over there thinking, just for the record,
12 um, Billy's statement of the, um, deed on the -- the list,
13 just so that it's all lettered. I hadn't lettered that
14 one. (inaudible).
15 HEARNE: Do we have any other --
16 ISHIHARA: I actually had one other issue. I'm sorry. I -- I
17 meant to --
18 HEARNE: I meant do we have any other paperwork?
19 ISHIHARA: Oh, I'm sorry.
20 HEARNE: We can just get them lettered while you're...
21 ISHIHARA: Right. Well, that's what -- one of the things I had.
22 HEARNE: Oh. (inaudible)
23 ISHIHARA: Although I don't have extra copies of this.

Onset Brd of Water Commisioners
6/30/06 Meeting

58

1 HEARNE: We can (inaudible).

2 ISHIHARA: Um, there's -- there's mention in, um, Mr. Gay's

3 statement that he, um, attended a, uh, a sexual harassment

4 class. Um, I'm not quite sure where that fits into his

5 statement, but I just wanted to, um, offer some evidence,

6 um, uh, contradicting that. Um, Miss -- Mrs. Moran, was

7 there a, uh, sexual harassment, um, class or workshop that

8 was offered here at the, um -- the Water Department?

9 MORAN: It was offered through the Fire Department.

10 ISHIHARA: And, um, were you present at that --

11 LOWRIE: Excuse me. I -- I don't mean to interrupt, but just

12 (inaudible) point of clarification, I thought it had been

13 understand that, uh, Bill had indicated that since the

14 Board only wanted to consider what occurred on April 27th

15 that any (inaudible) that's in his statement concerning

16 other things was to be disregarded, and that's his

17 intention. So while I don't necessarily object to what

18 you're doing, I don't see why (inaudible) evidence of that,

19 since that portion of his own statement isn't even being

20 considered. He wants it to be considered (inaudible).

21 SANBORN: All right. Oh, I don't know what point you're trying

22 to...

23 DIPASQUA: Can -- can we accept only parts of his statement? Or,

Onset Brd of Water Commisioners
6/30/06 Meeting

59

1 as it's in writing, do we have to accept it as whole? And
2 if so, (inaudible) the letter as a document?

3 HEARNE: Well, (inaudible) can limit the, uh -- the
4 applicability of (inaudible).

5 LOWRIE: It's my understanding that the Board, uh...

6 SANBORN: We accepted his statement once (inaudible).

7 LOWRIE: Right. But it -- it was also accepted into -- instead
8 of --

9 SANBORN: (inaudible)

10 LOWRIE: -- (inaudible) tonight, it -- now, do we have the
11 right to go and cross things out? (overlapping dialogue;
12 inaudible)

13 GAY: I don't think it's a question of crossing things out. I
14 think it's a question of the whether the board will --
15 will, uh, rule that, uh, they're only going consider
16 certain parts of the statement.

17 LOWRIE: OK.

18 GAY: Or not, as the case may be.

19 DIPASQUA: I was under the impression we were only considering
20 parts of the statement as (inaudible) as of April 27th and
21 April 28th.

22 LOWRIE: OK.

23 DIPASQUA: All right?

Onset Brd of Water Commisioners
6/30/06 Meeting

60

1 LOWRIE: Does that --

2 DIPASQUA: That's --

3 LOWRIE: -- need to be in the form of a motion?

4 GAY: There's nothing wrong in -- in clarifying the record in
5 that regard. If you wish to do so, yes.

6 DIPASQUA: I make a motion we clarify that we're only accepting
7 from April 27th and 28th, and was there another date right
8 after that that -- that there was another letter that went
9 out the 29th? That's basically the only days that we're
10 looking for. Nothing before that.

11 HEARNE: Well, wouldn't it be (inaudible) that point forward to
12 today?

13 DIPASQUA: Right. Um...

14 SANBORN: (inaudible) continuing on to the other meeting -- to
15 the meeting. And anything prior to April 22 -- I mean,
16 April 27th, that's --

17 LOWRIE: OK.

18 SANBORN: -- not accepted.

19 ISHIHARA: The, um -- the reason that I bring this --

20 SANBORN: Hold on, hold on.

21 ISHIHARA: I'm sorry.

22 SANBORN: I've got a motion here on the floor.

23 ISHIHARA: Sorry about that.

Onset Brd of Water Commisioners
6/30/06 Meeting

61

1 SANBORN: Do I hear a second --
2 DIPASQUA: Second.
3 HEARNE: Second. I'll sec-
4 SANBORN: -- on that?
5 HEARNE: I'll second it.
6 SANBORN: All those in favor? Aye.
7 HEARNE: Aye.
8 SANBORN: OK.
9 ISHIHARA: The reason that I bring this, uh, issue up is I
10 believe that Mr. Gay had said earlier that he, um, in
11 addition to -- to, uh, being fearful of some sort of bodily
12 harm, that he was also fearful that, um, Mrs. Moran might
13 make some sort of, uh, accusations against him of sexual
14 harassment. And I think -- I believe, while it's not clear
15 in this statement, that that's why he talks about the
16 sexual harassment class that he attended. Um, and, um, my
17 understanding and the reason that I'm offering this, uh,
18 exhibit, which is a special meeting notice, um -- "At the
19 Onset Water Department, the Board of Water Commissioners
20 will hold a special meeting Thursday, March 4th, 2004 at 6
21 pm, um, to be held at 2550 Cranberry Highway, Wareham,
22 Mass," Which is I believe is the Wareham, um, Fire
23 District, um, Water Department office. And, um, our

Onset Brd of Water Commisioners
6/30/06 Meeting

62

1 understanding or our position or our test- uh, Mrs. Moran's
2 testimony would be that Mr. Gay was at this particular
3 meeting; uh, that he did in fact show up a little bit, um,
4 more towards the end of the sexual harassment class; that
5 he was not in fact there. So I think that's an issue of
6 his credibility, um, on this matter. And that would be the
7 reason for offering the special meeting notice.

8 SANBORN: I mean, I did attend, and I was at that meeting, too,
9 and I did -- we did walk in -- you know, I don't know how
10 late it was, but we did attend that meeting, the sexual
11 harassment meeting.

12 HEARNE: Would it be relevant to accept that? Because it was
13 stated that (inaudible) for future actions. (inaudible)
14 speaking for, um --

15 End of Tape 2, Side A

16 Tape 2, Side B

17 ISHIHARA: I'm sorry. I think I interrupted the commissioner's
18 questioning. I don't know if...

19 HEARNE: I think we're on a pause waiting for Andy's...

20 DIPASQUA: No, it's all set.

21 HEARNE: Oh, it's all set?

22 DIPASQUA: No, it's all set. I just wasn't listening. I was
23 just getting ready to open the other one, just in case.

Onset Brd of Water Commisioners
6/30/06 Meeting

63

1 HEARNE: No, not for the tape. You said you were thinking
2 earlier.

3 DIPASQUA: Oh! No, it didn't come back to me. Sorry. I'm sorry
4 about that.

5 SANBORN: OK. You're all set with (inaudible)?

6 DIPASQUA: Yeah. I --

7 SANBORN: OK. Because --

8 DIPASQUA: -- because it's something I can't remember what it
9 was, so...

10 HEARNE: I -- I don't have anything --

11 SANBORN: OK.

12 HEARNE: -- further.

13 SANBORN: OK. Any -- any more (inaudible) -- any...?

14 ISHIHARA: Oh! No, we don't have any --

15 SANBORN: OK.

16 ISHIHARA: -- more, um --

17 SANBORN: Right, OK.

18 ISHIHARA: -- evidence. I -- I just have a few closing -- when
19 it gets to that point.

20 SANBORN: OK, you can go for you -- if you want to say your
21 closing right now.

22 ISHIHARA: I just -- I just have a -- a couple of points, and the
23 first is one that I made earlier, which is, uh, um, uh,

Onset Brd of Water Commisioners
6/30/06 Meeting

64

1 that I don't believe any of the people -- most of the
2 people here would believe that Lori Ann Moran would, um,
3 make any sort of statement that was threatening. Um, even,
4 um, uh, Miss -- Mrs. Semple, who somewhat corroborates what
5 Mr. Gay, uh, had to say said that the reason that she
6 didn't think that, um, the statement -- the "bumper
7 statement," if you will -- was -- was appropriate was
8 because, um, uh, there had been the earlier discussion
9 between, uh, Lori Ann and Mr. Gay, and she seemed to feel
10 that maybe that might not help the situation, not that she
11 felt it was threatening. Um, she handed the phone over to,
12 um -- to Mrs. Moran. And the other point that I want to
13 raise is that, um, this issue of the "she" and "her." Um,
14 as Mrs. Moran correctly points out, um, she had been just a
15 minute ago a part of the conversation between Mr. Gay and,
16 um, Mrs. Semple, and all of a sudden, she becomes just
17 this, um -- not "object," but just sort of a non-person
18 without any name. Um, and certainly, uh, her reaction to
19 that was not, um -- was not hostile or argumentative, but I
20 think was -- was a legitimate point to make: that she
21 wanted to treated in a legitimate way, in a professional
22 manner as an individual, and not someone that is just some
23 anonymous -- anonymous person all of a sudden. And if you

Onset Brd of Water Commisioners
6/30/06 Meeting

65

1 look at the letter from Peter Ferry, who has been her, um -
2 - who had been her employer for a number of years, you'll
3 see a number of statements in there that indicate that in
4 his experience with her, that she was very professional,
5 uh, that she acted somewhat as a -- as an, uh, ad hoc, uh,
6 human resources person, um, in his office, and, um, that --
7 that he, um, had high regard for her as an employee. It's
8 certainly inconsistent with, um, her making any sort of,
9 uh, threatening statement or raising her voice, or her
10 badgering anyone, or anything that -- that, um, Mr. Gay is
11 saying. There are some inconsistencies, um, here; I think,
12 um, perhaps some of the commissioners might have already
13 picked up on them. But, uh, Mrs. Semple says that she
14 heard, um, uh, Mrs. Moran say -- Mrs. Moran say, um, "Shut
15 up," to Mr. Gay. Uh, Mr. Gay, uh, himself indicated that,
16 um, uh, Mrs., uh, Semple and, uh, Mr. Murphy actually had
17 probably already gone around the corner, if not possibly
18 all the way out to the loading dock. And he -- he doesn't
19 think that she would've heard that any -- himself. Um,
20 with regard to Mr. Gay's, uh, testimony, um, he says that
21 he went out to the loading dock to get away from the
22 hostile environment. He, um, went to the fire station, I
23 think he said, to -- to get away. He is -- he is the

Onset Brd of Water Commisioners
6/30/06 Meeting

66

1 supervisor here. You might understand that, um, reaction
2 in a situation where someone was a sub- a subordinate: that
3 they might feel, "Well, gee, this person is my supervisor.
4 I can't say anything, so I'm just going to try and get
5 away." But it certainly seems, um, like odd behavior for
6 someone who, um -- who is the Superintendent. Mr. Gay says
7 in his written statement that you have that, um, he didn't
8 repri- he didn't reprimand, um, uh, Mrs. Moran for -- for
9 supposedly telling him to shut up; again, that seems pretty
10 unusual, because he's actually the Superintendent here. In
11 fact, he says in his written statement that he, um -- he,
12 quote, uh, "still did not acknowledge her unprofessional
13 behavior." Again, if he thought it was unprofessional
14 behavior and she shouldn't be speaking to him like that,
15 then why didn't he do something like -- right then and
16 there? Mr. Gay says that he was in fear of his well-being,
17 but notwithstanding his so-called "fear" of, um, of his
18 well-being, first of all he comes back to, um, the office,
19 and he knew that, uh, Mrs. Moran would be here working in
20 the office. Um, he acknowledges that, um, he did not, um,
21 uh, call the police, even though he says he did no longer
22 feel, uh, safe working with her. And again, that's an
23 inconsistent sort of thing -- if he really felt that, um,

Onset Brd of Water Commisioners
6/30/06 Meeting

67

1 then perhaps he should have been calling the, um -- calling
2 the police, and he didn't. But he didn't do that, so we
3 would submit that the reason he didn't do that is he
4 didn't, um, uh -- he wasn't threatened, he didn't feel
5 threatened. Um, if you look at the, um, administrative
6 leave letters that were sent to, uh, Mrs. Moran, they say
7 that she is being placed on administrative leave. There
8 aren't any reasons given, um, in those, even though, uh,
9 Mr. Gay, uh, contends at this point that, uh, he felt that
10 her -- that, um, Mrs. Moran telling him to, uh, shut up,
11 making the statement on the -- the Nextel about the bumper
12 of the car and all that, um, were threatening. But he
13 doesn't make any mention of that in, um -- in the letters.
14 It just says, "You're being placed on, um, administrative
15 leave," even though now he's telling us that this is
16 something that he feels strongly about. So I think that,
17 um, uh, given the fact that, um, Mrs. Moran, uh, made a --
18 a legitimate objection -- but not raising her voice, not
19 yelling at anyone -- to -- to being referred to as "she"
20 and "her" should certainly not be some -- a reason for
21 taking disciplinary action against her. Um, and we would
22 respectfully request that no disciplinary action be taken,
23 uh, against, uh, Miss -- Mrs. Moran.

Onset Brd of Water Commisioners
6/30/06 Meeting

68

1 SANBORN: OK. OK, I'd like to close the witness part right now,
2 and between, uh, the Board here, we'll have a five-minute
3 conversation to decide what -- what we have in front of us
4 right now. (inaudible)

5 GAY: Could I just make one observation? Uh, I just -- I just
6 couldn't help but make this observation. During that
7 closing statement, uh, Mrs. Moran's own attorney referred
8 to Mrs. Moran as "she" or "her" multiple, multiple times --
9 more than a dozen times. I think that's very revealing.
10 Thank you.

11 __: (inaudible)

12 SANBORN: I'd like to just close the -- the witness part right
13 now, and I'll have a -- at least a five-minute conversation
14 with the -- the Board members.

15 HEARNE: Do you need a motion to do that?

16 SANBORN: Yeah, like...

17 HEARNE: Do you want a motion on it being (overlapping
18 dialogue; inaudible) --

19 DIPASQUA: (inaudible), I make a motion that we close the, um --

20 HEARNE: -- close the case. The --

21 DIPASQUA: -- the evidentiary part.

22 HEARNE: -- evi- evidentiary part.

23 SANBORN: I'll second that. All in favor?

Onset Brd of Water Commisioners
6/30/06 Meeting

69

1 HEARNE: Aye.
2 DIPASQUA: Aye.
3 SANBORN: (inaudible)
4 MORAN: (inaudible)? Now, we're allowed --
5 DIPASQUA: I don't --
6 MORAN: -- I think we're allowed to be present.
7 DIPASQUA: -- there's no (inaudible) --
8 ISHIHARA: I -- I understand that we are now allowed to, uh,
9 participate past this point, but I -- but --
10 MORAN: OK. I'm sorry.
11 ISHIHARA: -- we at least should be present.
12 SANBORN: I don't think it (inaudible).
13 DIPASQUA: (inaudible) --
14 SANBORN: I don't think it could (inaudible). Is that OK with
15 you guys? Is that OK with you?
16 HEARNE: It's fine.
17 SANBORN: All right. I'm going to take a quick pause. I just -
18 -
19 (break in audio)
20 SANBORN: Back on at -- oh, about 9:50.
21 HEARNE: 9:50. Here we go.
22 SANBORN: OK. I'd just like to open our discussion now between
23 the Board.

Onset Brd of Water Commisioners
6/30/06 Meeting

70

1 HEARNE: OK.

2 SANBORN: Are there any comments that you'd like to bring up
3 right now? I'd like to make a couple of comments.

4 DIPASQUA: Do you want to start, as Chairman? Or (inaudible)?

5 SANBORN: No. (inaudible) --

6 DIPASQUA: Just open?

7 SANBORN: I'm going to make a couple of comments. I have been a
8 supervisor at [Pilgrim?] several times -- 30, 40, like
9 (inaudible). We over there are taught the same thing: you
10 don't take, um -- when -- if you've had a discussion with a
11 man -- with a man or a person involved, walk away and let
12 it calm down. I personally think Billy Gay did the best
13 thing to walk away and let it calm down. Um, and that's
14 what we were taught when we went through the supervisor's
15 training over there, um, and that's just my thought on, uh,
16 that right now. OK. Brian, anything?

17 HEARNE: Well -- well, it appears to me -- it -- it seems like
18 we had a -- a situation that, um, just got way out of
19 control, and it -- to get to this point, I don't think it
20 should have ever made this far. I think what we need to do
21 is have the people cognizant of what they're saying, how
22 they're saying it, just to anyone in general, not to anyone
23 in specific. And it just -- I don't think it should've

Onset Brd of Water Commisioners
6/30/06 Meeting

71

1 ever -- to this -- to this level.

2 SANBORN: Oh, I agree. I -- I don't think it should've got this
3 far into it, but like, you know, everybody knows, you
4 couldn't make any decision back then because of the Board.
5 And, uh, the thing is, we -- we -- as a Board, we always go
6 by what, uh, Billy says. He is the superintendent, and he
7 is here day after day after day. I'm not here, and -- and
8 I know you're not, and -- and Andy isn't, either. And when
9 he comes to us, we have to abide what he -- he tells us.
10 He's here, and he's -- he's the man of the hour, you know?
11 Like he -- he's the superintendent. And if he tells us
12 something, we -- we go with it. I mean, it's the chain of
13 command. It's the superintendent -- I mean, it's the water
14 commissioners, superintendent, uh, office manager -- that'd
15 be Lori, Lori Ann -- it'd be, uh, Chris -- or it would be
16 Chris and Lo- Lori Ann, and it'd be, uh, Jay. It -- it's
17 the ch- chain of command that -- that -- that goes down
18 through this -- this building. And the problem is, there's
19 only five people in here, and everybody has to get along.
20 You know, you -- you always say, well, it's a -- it's a
21 district. It's a water district. It's a business. This
22 is a business. I mean, if this goes on, you might as well
23 close your doors. And if -- and if gets out that this is

Onset Brd of Water Commisioners
6/30/06 Meeting

72

1 going on, we just had a big thing a couple months ago..

2 "Save the district, save the district." There -- there's

3 no need of this. There really isn't. This is just more

4 fuel for the fire in order for the town to take this thing

5 over, eliminate, and do whatever they want to do with it,

6 and I agree: it -- it's -- it's got to stop, and go back to

7 being run as a business, and like a business, and continue

8 doing what it's been doing for the last 100+ years. And

9 the only thing that I'm afraid of if Lori, if you do come

10 back tomorrow, we're going to have a problem. I mean,

11 that's -- and that's what, as a commissioner, I'm looking

12 for. But I'm also -- like I said, I'm friends with a lot

13 of people in here, too. But that's -- that's a problem

14 that we're looking at, you know? Not just for you, but

15 also for the district, and also for the other employees in

16 the building. And that's -- that's my main concern: what's

17 going to happen tomorrow morning.

18 DIPASQUA: I just feel it's, if he runs the daily operations

19 here, Billy has done it for -- what? Two and a half? Two

20 years or so? Um, he is the authority figure. I have been

21 in that position myself. And I -- I just feel as though if

22 he -- if he -- if he can't be comfortable in -- in working,

23 and -- and be comfortable, and feel himself that he can do

Onset Brd of Water Commisioners
6/30/06 Meeting

73

1 his job -- if he's worried about other things, he can't do
2 his job -- that things aren't going to get done right.
3 There's going to be mistakes. You know, this district
4 can't afford that kind of mistake, uh, with the DEP or with
5 any other paperwork. Uh, it's got to be done right, and
6 kept just the way it is.

7 HEARNE: I think we also have the authority to alleviate any
8 fear, though --

9 DIPASQUA: Right.

10 HEARNE: -- as the commissioners.

11 SANBORN: All right. OK. Any more discussion about it?

12 DIPASQUA: (inaudible) discussion at this point.

13 SANBORN: Brian?

14 HEARNE: No. I'll make a motion, if you wish.

15 SANBORN: Go ahead and make it. You can make a motion.

16 HEARNE: Mr. Chairman, I want to make a motion to reinstate
17 Lori Ann Moran as a fulltime Onset Fire District Water
18 Department employee, effective Thursday, July 1st, 2001 --
19 uh, 2004, sorry -- at 8 am. And I further move that the
20 Board of Water Commissioners be instructed to prepare an
21 employ code of conduct to be presented to their August
22 regular meeting.

23 SANBORN: OK. Any discussion on that?

Onset Brd of Water Commisioners
6/30/06 Meeting

74

- 1 DIPASQUA: No.
- 2 SANBORN: I mean, uh, you say the -- the code of honor?
- 3 HEARNE: "Code of conduct."
- 4 SANBORN: Code of conduct. Honestly, I believe that there is a
- 5 -- a code of conduct in this building right now. Like I
- 6 said, there is -- there is a chain of command.
- 7 HEARNE: But is there a written code? By writing a code,
- 8 you'll -- you'll, um, (inaudible) to alleviate Billy's
- 9 concern.
- 10 SANBORN: Uh, what are you -- what are you saying?
- 11 HEARNE: By taking it -- not only, um, detail prudent -- what
- 12 the chain of command is, but what the -- the normal, um --
- 13 not "normal" -- the appropriate discussion-type things
- 14 would be within the department among the employees?
- 15 SANBORN: Well, when they are hired -- I mean, when everybody
- 16 was hired in here, they all know (inaudible). And I know
- 17 Lori does, and I know Bill does, and I could -- they all
- 18 know what the job required. (inaudible) --
- 19 HEARNE: Well, but that's a job description, though, right?
- 20 That would be something different.
- 21 SANBORN: And then, when they do a have a problem, they do have
- 22 a -- a union in here.
- 23 HEARNE: Well --

Onset Brd of Water Commisioners
6/30/06 Meeting

75

- 1 SANBORN: An --
- 2 HEARNE: -- an association.
- 3 SANBORN: -- association, which you went through that to -- with
- 4 the grievance, to Kathi. And it's the same thing: it's --
- 5 Kathi brought it to Bill, and then Bill brought it to us.
- 6 Anything else in there?
- 7 HEARNE: Nope.
- 8 SANBORN: Nor have I. OK. Any other comments? (inaudible)?
- 9 HEARNE: We've got a motion on the floor.
- 10 SANBORN: I'm not seconding it. OK. I -- I think -- I'll say
- 11 (inaudible) it -- I got -- I made -- made the comment
- 12 already. It's going to be a very tough position here. And
- 13 I'm not saying anything bad about you, Lori, and I'm not
- 14 going to say anything about anybody else in this room.
- 15 But, um, we've got five people in here, and this is one
- 16 incident, and like I said, we can't go back into an- into
- 17 anything else. But, um, I think we're in a tough position.
- 18 MORAN: I didn't put you there.
- 19 SANBORN: I know. I know.
- 20 MORAN: So I pay the price?
- 21 SANBORN: Not -- I -- I hope you're not -- you don't think that.
- 22 MORAN: What other way should I think?
- 23 SANBORN: I mean, we -- we followed it right to the "T", Lori.

Onset Brd of Water Commisioners
6/30/06 Meeting

76

1 And we did everything possibly we -- we could. I mean, we
2 -- our hands were tied back when this started. They
3 really, really was. We couldn't -- we couldn't do
4 anything. I couldn't say "yes" or "no" or -- or anything,
5 because I hadn't -- I had no -- no leverage at all.

6 HEARNE: On the motion, Mr. Chairman, did the -- the actions
7 that are stated in all the letters would not justify a
8 dismissal. There was one verbal warning. There was no
9 other warning issued. So you go from one verbal warning to
10 a dismissal? So remember, you would be setting policy now
11 for here on forward.

12 SANBORN: But I think there's some -- we --

13 HEARNE: (inaudible) --

14 SANBORN: -- set precedent the last 28 days. I mean --

15 HEARNE: (inaudible) should've been (inaudible) --

16 SANBORN: -- tomorrow, though, somebody could come in here

17 tomorrow and say something to Bill, and Bill is going to
18 say, "Well, you're on administrative leave," and they're
19 going to walk out for... The -- the same thing all over
20 again.

21 DIPASQUA: Same thing. And there's no --

22 HEARNE: But we could fix that, too. You weren't -- you

23 weren't, um -- when you had two people on the Board, you

Onset Brd of Water Commisioners
6/30/06 Meeting

77

1 weren't availed that opportunity, and we understand that
2 from the -- the past. But it's -- it's time to put the --
3 what appears to be petty stuff behind us and just move on
4 for the district.

5 SANBORN: Oh, I'm all for the district. But like -- like I'm
6 saying, Bill is the -- the boss, and he did make a
7 statement already. And it -- it's just too bad, I mean,
8 that the employees -- I mean, everybody's close in this
9 district. They really, really are. I never -- I -- I grew
10 up in -- I didn't grow up in this area, but I know a lot of
11 people because I -- I've been here, and everybody's close,
12 and it just -- it's too bad that everybody's under -- in
13 this position right now. But like any other job, if -- the
14 same thing, right here, right now: if the super-
15 superintendent says something, I have to do it. And I'm
16 sure it's your job, and I'm sure it's Andy's job.

17 MORAN: I did everything he told me to do.

18 DIPASQUA: I just think it could happen again, whether it's with
19 anybody else coming in here, like Mike said. Next thing
20 you know, you've got more people out on -- on, um,
21 administrative leave.

22 HEARNE: But that could happen either way.

23 DIPASQUA: I understand that. And I just, uh -- I think it's

Onset Brd of Water Commisioners
6/30/06 Meeting

78

1 time that these have got to stop, and it's got to be ended,
2 and it's got to be settled right now, tonight, before we
3 leave. And get -- and get this thing over and done with.
4 SANBORN: We've got a motion on the floor. I don't -- I'm not
5 seconding it. Are you?
6 DIPASQUA: I can't second it. I -- I'm sorry.
7 HEARNE: (inaudible)
8 MORAN: (inaudible)
9 HEARNE: So then, aren't you in fact rewriting the delegation
10 of authority, wherein, uh, the superintendent would have,
11 um, say over the water commissioners?
12 SANBORN: No.
13 DIPASQUA: No.
14 SANBORN: But he --
15 HEARNE: (inaudible) --
16 SANBORN: -- does have day-to-day -- he -- the superintendent,
17 since I've been here, and as far as I know, has -- they've
18 had --
19 HEARNE: Whoop! Change the tape.
20 DIPASQUA: Nope.
21 ISHIHARA: I think it's fine.
22 HEARNE: Oh.
23 DIPASQUA: But we're getting -- eh, we're getting close.

Onset Brd of Water Commisioners
6/30/06 Meeting

79

1 SANBORN: They've had day-to-day power, uh, over this office.

2 And it's like I said: I -- I'm not here during the day,
3 you're not here, and Andy's not here. And it'd be like any
4 other town: if the superintendent -- in any other place, he
5 might have selectmen or councilmen or (inaudible), but your
6 supervisor runs that -- that --

7 DIPASQUA: Daily.

8 SANBORN: -- business during day-to-day --

9 DIPASQUA: Daily.

10 SANBORN: -- operations. So --

11 DIPASQUA: And if he goes back the, uh -- like he said,

12 (inaudible) selectmen, councilmen, the commissioners to do
13 -- uh, even the Board of Engineers in this case, and on to
14 do what they've got to do with the people that they have.

15 HEARNE: Well.

16 SANBORN: OK. Then we need to -- do you have a motion?

17 DIPASQUA: I have a motion. I think that the, uh, motion should
18 be that, um, we have to think of the other four people --
19 three or four people in this office. And I think that
20 enough is enough, and I think that we should terminate here
21 tonight. And my motion is that we terminate her tonight as
22 of (inaudible) time (inaudible), and continue on with
23 business, and make things at the Water Department work for

Onset Brd of Water Commisioners
6/30/06 Meeting

80

1 the people in the district, um, and to do what's right for
2 the -- for everybody at this point. Do I hear a second or
3 anything on that?

4 SANBORN: (inaudible) OK. (inaudible) a second?

5 DIPASQUA: I know --

6 SANBORN: OK.

7 DIPASQUA: -- I know that if it was at my job, (inaudible) the
8 superintendent, we could fire him, suspend him. In most
9 cases, in construction, we won't put up with that. We
10 terminate.

11 HEARNE: No, but that's a different situation, too, though.

12 Here, the -- they don't hire or fire. It's up to us.

13 DIPASQUA: That's correct.

14 HEARNE: So that's not the same situation. In our business,
15 the -- the supervisor does not have the authority. Only
16 (inaudible) or the (inaudible) manager. Which, with one
17 verbal warning? At our place, it would take four. Four
18 steps to get to that point.

19 SANBORN: And I think where Billy -- what Billy tried -- brought
20 to us is -- you know, what he -- what he is saying is, I
21 get that it's come to this point. I mean, I could be
22 wrong, but that's what -- because I don't think we'd be in
23 this position.

Onset Brd of Water Commisioners
6/30/06 Meeting

81

1 RATEPAYER: As a rate-payer, I don't want to get sued,
2 either, OK? And I know I have no right to speak, but what
3 you are doing is you're causing this bi- this water
4 district to have a big lawsuit, and I don't think that, as
5 a ratepayer, I should have to sit back and see that happen,
6 either. And you're playing right into the hands of the
7 Wareham Board of Selectmen, because you will be one
8 district if stuff like this goes on. That's my opinion as
9 a ratepayer.

10 SANBORN: OK. And -- and like -- and I'm sorry, but I still
11 have to say, I -- we still have to stand behind our
12 superintendent, (inaudible) anything.

13 DIPASQUA: And I agree on that.

14 SANBORN: I mean, we had our witnesses come in. They all --
15 they all sat down and -- and told us the -- I think the
16 same story. I mean, you could pick it apart, but something
17 did occur that day.

18 HEARNE: On both sides.

19 SANBORN: It's true. On both sides, yes.

20 HEARNE: So do you want to amend, Andy, to terminate both of
21 them?

22 SANBORN: No.

23 HEARNE: No, you -- well, he can amend it if he wants to.

Onset Brd of Water Commisioners
6/30/06 Meeting

82

- 1 DIPASQUA: No.
- 2 HEARNE: Yeah, he can.
- 3 DIPASQUA: No, no amendment.
- 4 HEARNE: No, not you -- Mike can.
- 5 SANBORN: Oh. I -- what, and to terminate Bill Gay and --
- 6 HEARNE: Mmm hmm.
- 7 SANBORN: -- Lori Ann? Bill Gay came to us when -- when --
- 8 myself and John Cook (inaudible) water commission. He came
- 9 to us that night.
- 10 HEARNE: As superintendent.
- 11 SANBORN: As superintendent.
- 12 HEARNE: But he's also a party of the dispute.
- 13 SANBORN: Well, that's true. He is. He is.
- 14 HEARNE: So if you're terminating someone for verbal issues,
- 15 then weren't his verbal issues on the same side? Whether
- 16 he meant to be, um, condescending or not, it's irrelevant.
- 17 SANBORN: In his statement, he did apologize, which Lori Ann
- 18 says -- which he didn't, but... I mean, he came to us that
- 19 night. I would say it was, uh -- I saw him, it was five
- 20 minutes past four, maybe. And he told me his story. And
- 21 then I -- we got (inaudible), and I didn't find out until
- 22 the next day that -- what happened, that Kathi called you.
- 23 __: And I'm also a taxpayer. And if this goes to a court --

Onset Brd of Water Commisioners
6/30/06 Meeting

83

1 __: Hey, hey -- leave him talk.

2 SANBORN: (inaudible)

3 __: Leave him speak.

4 MORAN: (inaudible)

5 SANBORN: Like I said, I'm -- I'm -- I'm sorry. I am. I'm

6 sorry about this, you know?

7 __: (inaudible) the [Prudential?] Committee has reached -- can

8 not make a decision?

9 SANBORN: We are making a decision. And the [Prudential?]

10 committee has nothing to do with this at all.

11 __: They're the ones that oversee you people.

12 SANBORN: They do not. Look in your bylaws.

13 DIPASQUA: The water commissioners oversee all of the day- all

14 the activities of the Water Department. The [Prudential?]

15 Committee oversees the Fire Department and the (inaudible).

16 SANBORN: When you walk through those doors, it's the Water

17 Commission. The [Prudential?] Committee has no -- nothing

18 at all up here. That'd be the same thing as the Fire

19 Department. They have no role at the Fire Department at

20 all. The Board of Engineers run the Fire Department; water

21 commissioners run the Water Department.

22 ISHIHARA: Although I think the [Prudential?] Committee, um, has

23 a role certainly in financial oversight of the district.

Onset Brd of Water Commisioners
6/30/06 Meeting

84

1 SANBORN: We (inaudible) --
2 ISHIHARA: I think you're putting --
3 SANBORN: We do our --
4 ISHIHARA: -- I think you're putting the district into -- into a
5 financial situation.
6 SANBORN: We do our budget, and we give it to the [Prudential?]
7 Committee, and they turn it in.
8 ISHIHARA: I think they still have the oversight, and I would
9 like to make the comment, too, that, um, you seem to be
10 saying -- you and Mr. Di- DiPasqua -- that, um -- that if
11 the superintendent comes to you and tells you something,
12 that's that. So I'm not really sure why we're here this
13 evening if you were just going to accept what he had to say
14 and that's that.
15 SANBORN: We --
16 ISHIHARA: It's not a hearing.
17 SANBORN: This is 28 days later. And it's not --
18 MORAN: (inaudible)
19 SANBORN: -- and -- and (inaudible). And it's not your fault;
20 it's not anybody's fault. But --
21 ISHIHARA: What does that have to do with it?
22 SANBORN: Well, I think we heard all the -- all the sides of it.
23 And it's too bad that the story was out in the street, you

Onset Brd of Water Commisioners
6/30/06 Meeting

85

1 know? And -- and people are already making up their mind
2 before we even had something. And I -- and that's too bad,
3 too. I mean -- I mean, everybody -- and it was -- Onset is
4 a small town, and everybody -- you know? Everybody has
5 their opinion.

6 __: That's for sure. It is a small town.

7 SANBORN: It is, yeah.

8 MORAN: And everybody talks, everybody votes.

9 SANBORN: Yeah.

10 MORAN: (inaudible)

11 SANBORN: Well...

12 ISHIHARA: I just have to say that your, um -- your proposed, uh,
13 action to terminate, uh, Mrs. Moran, um, because of this --
14 whatever -- verbal exchange, however you want to
15 characterize it -- is extremely harsh. There is nothing
16 here on the record that Mrs. Moran has ever done anything
17 else wrong. And you're firing her.

18 SANBORN: Like I said, we --

19 ISHIHARA: It's like giving someone the death penalty for
20 jaywalking.

21 SANBORN: No, but I'm saying, we're looking just at the 27th.

22 RATEPAYER: Well, if you go to court, it won't just be the
23 27th.

Onset Brd of Water Commisioners
6/30/06 Meeting

86

1 SANBORN: That's true.

2 RATEPAYER: If you go to court, it will be everything that's
3 come down the pike. Any form of behavior -- past behavior,
4 (inaudible), complaints --

5 __: (inaudible)

6 RATEPAYER: -- that have been made against your -- your
7 superintendent or anything will come out, just like dirty
8 laundry. So you need to think about that --

9 SANBORN: Ma'am --

10 RATEPAYER: -- before you end up in a real courtroom.

11 Believe me.

12 SANBORN: And like I said -- and I didn't want to turn this into
13 a courtroom.

14 RATEYPER: Well, you're -- you're doing it.

15 MORAN: (inaudible).

16 RATEPAYER: You're doing it. And then you will not prevent
17 anything else from coming out. So you need to think.

18 DIPASQUA: Some of it's (inaudible).

19 __: So then, what's the decision?

20 SANBORN: I go by --

21 HEARNE: (inaudible).

22 SANBORN: -- I go by Andy's decision.

23 __: Who?

Onset Brd of Water Commisioners
6/30/06 Meeting

87

1 HEARNE: But Andy can't make a decision.
2 MORAN: (inaudible), right.
3 SANBORN: He made a motion.
4 DIPASQUA: I made a motion. And you can second it?
5 SANBORN: I second it. I'm sorry.
6 __: So have you taken your -- your vote?
7 SANBORN: OK. Make a motion?
8 DIPASQUA: Motion.
9 SANBORN: Uh, we have a motion --
10 HEARNE: (inaudible) then I'll make an amendment to Andy's
11 motion that both of them be terminated today.
12 DIPASQUA: No.
13 SANBORN: OK. We have a motion on the floor.
14 HEARNE: We have an amendment on the floor.
15 SANBORN: We have an amendment on the floor that both of them be
16 terminated tonight.
17 HEARNE: Is there a second?
18 SANBORN: All in favor?
19 HEARNE: Of? There's no motion without the second.
20 SANBORN: (inaudible), OK.
21 DIPASQUA: So are we going back to my original motion?
22 SANBORN: And we'll go back -- back to Andy's original motion.
23 DIPASQUA: OK.

Onset Brd of Water Commisioners
6/30/06 Meeting

88

- 1 SANBORN: OK. We have a motion --
- 2 HEARNE: Hang on a second. Now we have discussion.
- 3 SANBORN: OK. We have a discussion.
- 4 HEARNE: Mr. Chairman, I do not believe the motion that's on
- 5 the floor is in the best interest of the district, and
- 6 therefore, I am opposed to it.
- 7 SANBORN: OK. Well, any other discussion?
- 8 DIPASQUA: No.
- 9 SANBORN: OK. We have a motion on the floor, and seconded.
- 10 Who's in favor? All in favor? Aye.
- 11 DIPASQUA: Aye.
- 12 HEARNE: Opposed?
- 13 SANBORN: Opposed?
- 14 HEARNE: Aye.
- 15 SANBORN: Two-to-one.
- 16 __: (inaudible)
- 17 SANBORN: (inaudible)
- 18 (overlapping dialogue; inaudible)
- 19 DIPASQUA: I've got mo -- mo -- motion to close the meeting?
- 20 SANBORN: Motion to close the meeting? I've got motion to close
- 21 the meeting at about 9:55.
- 22 MORAN: (inaudible)
- 23 SANBORN: Seconded?

Onset Brd of Water Commisioners
6/30/06 Meeting

89

1 ISHIHARA: (inaudible)

2 SANBORN: (inaudible) second it?

3 ISHIHARA: Um, she needs to --

4 SANBORN: (inaudible) second. All in favor?

5 HEARNE: Aye.

6 SANBORN: Aye.

7 ISHIHARA: (inaudible) --

8 (break in audio)

9 **End of Hearing**

10

11

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CERTIFICATE

I, Andrew Osborne, do hereby certify that the following pages, numbered 1 through 26, embody a true and accurate transcript. Prepared under my direction in the Tape Transcription Center of Boston to the best of our abilities, it contains the contents of the audiocassette provided to me by Fleming & Ishihara. The unsealed cassette tape was labeled "Moran, Lori - 6/30/04" and the cassette case was labeled "Onset Board of Water Commissioners 6/30/2004 Meeting - Copy of Tape #1 Side B".

5/26/06
Date

Andrew Osborne
Andrew Osborne,
Production Coordinator
Tape Transcription Center

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 1

1 M: (inaudible) about 7:50. (inaudible). Andy, you have
2 anything else?

3 DIPASQUA: No.

4 M: OK, thanks, Jay. OK, could you have Chris come in? OK,
5 Chris, you state your full name.

6 FOYER: Chris Foyer.

7 LOWRIE: OK. How long you been at the -- working for the
8 water department?

9 FOYER: Two and a half years.

10 LOWRIE: And what's your position there?

11 FOYER: Foreman.

12 LOWRIE: On April 27th, you present in the water office?

13 FOYER: Yes.

14 LOWRIE: Working that day?

15 FOYER: Yes.

16 LOWRIE: OK. Between --

17 DIPASQUA: At what time?

18 FOYER: We -- we were in and out all day long. (inaudible)
19 specific -- certain incident as far as time.

20 M2: Roughly on -- anything roughly like -- when you came back
21 in, you started hearing this conversation.

22 FOYER: We -- we got back in the office about ten of four,
23 maybe, or so from being out -- out in the field.

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 2

1 DIPASQUA: And where were you in the office when you heard the
2 conversations?

3 FOYER: I was at the front counter over near the (inaudible)
4 when, uh, when incident with the Nextel took place. And I
5 was in the kitchen when the -- when Billy got it back into
6 the office. I was in the kitchen cleaning up.

7 LOWRIE: OK. In your words, what did you hear that -- within
8 that period?

9 FOYER: Uh, when we came in at ten of four, we were all
10 (inaudible) -- and Jay was standing at the counter. Kathi
11 was sitting at her desk, and LoriAnn(?) was sitting at
12 hers. Billy called on the Nextel asking Kathi for a ride
13 home. Uh, LoriAnn mentioned Kathi telling him, "I'll give
14 him a ride home on my -- on my bumper." Kathi didn't say
15 anything so LoriAnn got up, went over, grabbed the Nextel
16 and said, "Yeah, Billy, I'll give you a ride home on the
17 front of my bumper." Uh, Billy got back into the office
18 maybe five minutes later, and he parked his truck, walked
19 upstairs, uh, LoriAnn was sitting at her desk. Billy
20 walked over kind of near the copier, and he said,
21 "LoriAnn, could you please keep your comments to yourself.
22 This is your verbal warning." Or a verbal warning.
23 LoriAnn turned around and was like -- she said, "What?"

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 3

1 And Billy said, "This is your verbal warning." And if she
2 didn't like it, she could just go home. You know, "I'll
3 pay you and just go home." Because she had -- she had
4 stoop up in the meantime and was asking Billy what do you
5 -- "What does this mean, I'm fired?" And Billy's like,
6 "Just -- just go home. I'll pay you for the rest of the
7 day."

8 LOWRIE: What was Billy's voice? Or tone, I should say?

9 FOYER: Billy was calm. He just walked in and said, you
10 know, "Please keep your comments to yourself. This is
11 your -- this is a verbal warning."

12 LOWRIE: Had Lori gone back to her desk after being at the
13 copier? You said that she stood up.

14 FOYER: Oh, she was always at her desk. Billy walked in from
15 parking his truck, and he was near the copier. That's
16 when he told her. He gave her a verbal warning. And she
17 was at her desk. She turned around in her chair, and was
18 like, "What?" And then he mentioned it again, and she got
19 up, and then I think she was asking, "Am I fired? Does
20 this mean I'm fired?" And Billy was still standing there.
21 He just said, you know, "Just, you know, just go home.
22 I'll pay you for the rest of the day." And from there
23 Billy walked out the back door. LoriAnn kept asking if

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 4

1 she was fired.

2 LOWRIE: Did she follow him to the back door or she just do it
3 from her desk?

4 FOYER: She was doing it mostly from the desk. Billy walked
5 out back and she was sitting there -- or sitting --
6 standing around the desk. And Kathi followed Billy out
7 the back door to see what he was doing.

8 LOWRIE: OK. From the Nextel conversation to when Bill came
9 back in, it was -- you said it was about five minutes.

10 FOYER: Yeah, give or take.

11 LOWRIE: Was there any other conversation in between that?

12 FOYER: No. There was nothing.

13 LOWRIE: Anything else?

14 FOYER: (inaudible) and Kathi, LoriAnn, we were just sitting
15 -- well, actually standing or sitting in the office. And
16 then I had gone to the kitchen to unplug the coffeemaker
17 and clean up out there.

18 LOWRIE: Did you witness anything in the parking lot or
19 anything?

20 FOYER: No. She was -- just kept asking if she was fired.

21 Me and Jay had started walking to his truck because I rode
22 in with him. He was parked at the corner and they were
23 standing around kind of near the door. Billy was actually

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 5

1 around the corner, I believe, over near the loading dock.

2 LOWRIE: OK. When you came in the morning, was there any kind
3 of conversation going on? Any kind of remarks or
4 anything?

5 FOYER: Nothing out of the ordinary. Just normal, everyday
6 talk, I guess. Nothing unusual.

7 LOWRIE: You were in the kitchen when Billy came back after
8 the Nextel incident?

9 FOYER: Yeah.

10 LOWRIE: And then you came out and saw him by the copier?

11 FOYER: Yeah. I was actually still in the kitchen, right
12 near the kitchen sink when he come in and gave her the
13 verbal warning.

14 LOWRIE: So you were still in the kitchen at that point?

15 FOYER: I was still in the kitchen, just kind of standing
16 there.

17 LOWRIE: And no one else said anything during that period?
18 When that was going on?

19 FOYER: No.

20 LOWRIE: OK. All right. Andy, (inaudible) second.

21 DIPASQUA: OK, thank you, Chris.

22 SANBORN: OK, would -- LoriAnn, would you want to say something
23 first, or Bill?

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 6

1 ISHIOHOURA: Well, I'd think I'd like -- um, I'd like to
2 present our case, and so what I would like to do if it's
3 her turn to talk, so to speak, is ask a series of
4 questions, in order to be able to do that, and offer some
5 documents as evidence. So if this is our time to go
6 forward, that's what I'd like to do.

7 M: OK. We want to know what happened that day.

8 ISHIOHOURA: That's what I'm going to talk about.

9 _: Wouldn't you rather hear from Bill first?

10 ISHIOHOURA: That -- that's fine. I'm just saying that --
11 that when it's our turn to proceed, that's how we'd like
12 to proceed.

13 SANBORN: OK, if you want to go now, that's fine.

14 ISHIOHOURA: You can go.

15 _: You don't want to just --

16 _: Bill.

17 SANBORN: Whoever wants to go first.

18 LOWRIE: Can I just ask a question?

19 SANBORN: Sure.

20 LOWRIE: See how you want to handle this. As you know, Bill
21 has presented his write-up at the prior meeting --

22 _: Right.

23 LOWRIE: -- and also gave his explanation. He's more than

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 7

1 willing to go through that again, if you feel it's
2 necessary. However, he basically stands on that. So he
3 either could go through that again, if you want, or if you
4 prefer, just, you know, pick it up from there. Whatever
5 you -- (inaudible) to be most efficient.

6 DIPASQUA: Well, when he -- he had before went into -- it's a
7 matter of public record now so it would be -- wouldn't it
8 be all right for us just to ask questions from that
9 statement, or should it be re-read in? Or can we just say
10 a copy was received to be put in --

11 _: Yeah.

12 DIPASQUA: -- to be put with the minutes of the meeting?

13 M: Yes. You can do any of the above.

14 _: OK.

15 LOWRIE: I thought it might be expedient time wise if you just
16 ask any questions that you have.

17 M: OK. Yeah.

18 LOWRIE: However you wish.

19 M: And then we can just say what we'll attach a copy of the
20 full written statement with the minutes because it was a
21 public record as of the last, um, (inaudible).

22 ISHIHOURA: Well, let me see if I'm understanding this
23 correctly. There's a copy of a statement dated April 27,

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 8

1 2004, which was attached to --

2 M: That was sent to your letter.

3 ISHIOHOURA: That was attached to my letter of June 17, 2004.

4 Are you saying that that's, um, will be Mr. Gay's
5 statement here today?

6 M: Yes.

7 ISHIOHOURA: As opposed to anything that might have been said
8 outside of his statement at the previous meeting?

9 M: I believe that's the statement that he wants to go with.

10 LOWRIE: Do you -- do you want to add anything to it?

11 ISHIOHOURA: Well, again, I have to -- I have to object to
12 Attorney Lowrie's prompting of Mr. Gay. Ms. Moran is the
13 one that, um, is faced with potential disciplinary action,
14 so I think that she gets to have me represent her. Mr.
15 Gay, at best, again, is a witness and should not be
16 prompted by his attorney.

17 LOWRIE: Excuse me. I'm not prompting anybody. All I
18 indicated to the Board, asked them how they wanted to
19 proceed.

20 HEARNE(?): All right. All we want to know if he wants to -
21 -

22 DIPASQUA: Add anything (inaudible).

23 HEARNE: -- add anything to this right now or --

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 9

1 LOWRIE: Well, I would think it would be his statement plus
2 everything else that went on at the meeting.

3 M: Yeah.

4 ISHIOHOURA: No. I don't -- I don't think so. I think that
5 if this is going to be, um, a hearing, it's not everything
6 else that happened at the previous meeting. If he -- if
7 he wants to ride with this statement that's attached to,
8 um, uh, Ms. Moran of June 17, 2004, that's fine. But for
9 us to try and remember what was said at a previous hearing
10 and then, uh, a meeting, and then address that, I don't
11 think that's (inaudible). I think it has to be all one
12 proceeding.

13 M: So you're saying he should read it in?

14 ISHIOHOURA: Well, not read it in.

15 M: (inaudible).

16 ISHIOHOURA: What I'm saying is that if he wishes to, uh, to
17 say, "OK, my testimony essentially would be the April 27,
18 2004 statement that's attached to the letter to me,"
19 that's fine. But if you're saying that there's some other
20 things that might have gotten said at the previous meeting
21 that were also considered, I don't think that's fair.

22 M: (inaudible)

23 LOWRIE: I'm saying right now we could take his, uh, statement

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 10

1 that he gave us at the last meeting. But if we would like
2 to ask him questions right now on what happened that day.

3 M: That's fine. I just want to make sure that --

4 M: All right. Yeah.

5 M: -- what's going to be considered is what's said here today
6 or presented here today. That's all.

7 LOWRIE: OK.

8 M: You can -- you can start if you have any questions for --
9 that happened that day. Mr. Lowrie you have any
10 questions?

11 _: Yeah.

12 M: (inaudible).

13 LOWRIE: Do you want me to go first?

14 M: Yeah, go ahead because I'm (inaudible).

15 LOWRIE: OK. Um, on -- these are quotes towards the
16 superintendent, Bill. Um, in the first paragraph you said
17 that -- and I'll quote. "I apologized to Lori not knowing
18 that I had offended Lori with a simple, elementary school
19 taught English phrase." If you didn't know you offended
20 her, why would you apologize?

21 GAY: Because of the way she was yelling at me. "I'm only a
22 she? I'm only a she? That's all I am, is a she?"

23 LOWRIE: OK. So that was just in response to her response?"

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 11

1 GAY: Yes, Sir.

2 LOWRIE: To this? And how did you apologize?

3 GAY: "Lori, I'm sorry. I didn't know I offended you and I'm --

4 and I'm sorry." I want -- I wouldn't do it -- I didn't

5 really even know why this -- when I referred to her that

6 way in my private conversation in the office with Kathi, I

7 did not intend in any way to disrespect or do anything

8 that would cause Lori any concern. Prior to the incident

9 on April 27, 2004, Lori had never indicated to me that she

10 would be offended if I had ever referred to her as a she

11 in speaking to other persons. I still do not understand

12 why she got as angry and upset as she did and I was having

13 -- when I was having a private conversation with camp --

14 Kathi. Simply said to Kathi, "You get the paperwork

15 together. She -- " meaning Lori -- "can do the copying,

16 and typing, and I will do the tapes." It was after that

17 that Lori stated -- started to shout at me "So I -- so I

18 am just a she?" And continued to badger and shout at me.

19 I still don't understand how any reasonable person could

20 possibly have taken offense at what I had said to Kathy

21 and I am still at loss to explain Lori's belligerent, and

22 disrespectful, and angry outburst over it.

23 ISHIOHOURA: I'm sorry, but can I ask what the question was

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 12

1 again? I forgot after that answer.

2 LOWRIE: It was how did he apologize.

3 ISHIHOURA: Oh. OK.

4 LOWRIE: Is -- is that a writ -- another written statement
5 that you want to present or --

6 ISHIHOURA: That's just my comment to the whole incident.

7 LOWRIE: OK.

8 ISHIHOURA: Was that a statement as prepared by Mr. Gay? Or
9 prepared for him?

10 LOWRIE: That was a statement of Mr. Gay's thoughts expressed
11 prior to (inaudible).

12 ISHIHOURA: Well, I think that Mr. Gay is -- I think that
13 Mr. Gay is the one that -- that -- that is the witness
14 here.

15 GAY These -- these basically say the same thing as in here,
16 but they're shorter.

17 LOWRIE: Did you write that one up?

18 GAY: This other one?

19 LOWRIE: Um-hmm.

20 GAY: I didn't write it exactly but I had made these ref --
21 referrals to all on this, yes.

22 LOWRIE: OK. Um, further down we get to the 'shut-up' phrase.

23 And you say that she told you to 'shut-up' and you asked

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 13

1 her, "Did you tell me to shut-up?" I didn't -- she said
2 she didn't get it all the way out, "I'm not that type of
3 person." But you heard shut-up clearly, and um, you sure
4 you heard shut -- her -- the full phrase 'shut-up'?

5 GAY: No -- no doubt in my mind.

6 LOWRIE: OK. Then why would you think she'd say, um, that she
7 didn't get it all the way out?

8 GAY: Because there was other people starting to walk back into
9 the room.

10 LOWRIE: Who was in the room at that time?

11 GAY: Peter and Kathi were just inside that door to the -- to
12 the loading dock?

13 LOWRIE: And there were other people walking in at that point
14 or --

15 GAY: I was -- Kathi had gone first, Peter was going, and I was
16 behind him. She said it to me. He heard her.

17 LOWRIE: OK.

18 GAY: Kathi was too far away to actually hear it. Then I think,
19 in my opinion, that she realized that people might have
20 been listening.

21 LOWRIE: OK. But there weren't any other people in the --

22 GAY: In the office.

23 LOWRIE: -- in the office.

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 14

1 GAY: No.

2 LOWRIE: No customers, right?

3 GAY: No.

4 LOWRIE: OK. Do you want me to just keep going or do you want
5 (inaudible) questions?

6 M: Uh, when you apologized to her, did LoriAnn accept it or -
7 -

8 GAY: No, she didn't. She kept badgering me. "I'm just a she.
9 I'm just a she." And again, I -- I left the building
10 three or four times, how many times as it was, to get away
11 from the hostileness, hoping that she would calm down and
12 come to her senses, and carry on the day, and finish the
13 day normally.

14 M: OK. When you left -- when you were out of here, was that
15 how you --

16 GAY: The first time.

17 M: Yeah.

18 GAY: The first time I left.

19 M: Yeah. Just (inaudible).

20 GAY: I went to the fire station to let the -- to let everything
21 cool down, defuse the situation, hopefully, but it didn't
22 work.

23 M: Now is that the only conversation you had with her --

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 15

1 LoriAnn that day?

2 GAY: No, I don't -- then on the way back the Nextel

3 conversation, I was asking Kathi for a ride. Lori come

4 on, told me she'd give me a ride on the front of her

5 bumper home. And at that point she -- she already had

6 told me to shut-up, she already had did -- done bodily --

7 made a bodily threat to me. So I was going to give her a

8 verbal warning for the shut-up and her constant badgering

9 that she wouldn't (inaudible) reason to stop. Uh, then I

10 was going to give her another paper, but I didn't even get

11 a chance to say it because she was badgering me so hard

12 and so loud about the bodily threat. Then it got beyond

13 the -- beyond any control. So I asked her to leave for

14 the day. I'd pay her for the rest of the day if she would

15 -- she would go home. Hopefully -- hopefully those ten

16 minutes -- just -- just go home and cool down and we'll

17 work it out. But it didn't work that way. She continued.

18 I left the building. I walked down the street. I came

19 back. I came through the upstairs hoping to avoid Lori.

20 And she was out in the parking lot waiting to badger me

21 again.

22 M: Now you were inside the building and she was outside?

23 GAY: She was inside the shop that last time when I walked -- I

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 16

1 went way out and around and had come up through the
2 upstairs and they were outside at that point, Kathi and
3 Lori. I think Chris and Jay were leaving.

4 M: You only actually gave her a verbal warning, correct?

5 GAY: Yes, because I didn't have a chance to say anything else
6 because of the yelling and just no control. Again, my
7 only mistake was I really should have called the cops.

8 _: In your statement after the Nextel incident it says that,
9 um, that it's partly true -- the one, two, three, fourth
10 paragraph -- "At this time I was in fear of my well-
11 being." Were you already back at the office or were you
12 on your way back?

13 GAY: I was on my way back.

14 _: OK. And then you get back here and the whole staff was
15 back at the office?

16 GAY: And I was -- and I was literally afraid of Lori because of
17 what had happened and what the real big picture of this
18 was.

19 _: Um-hmm.

20 GAY: I -- I feel that I was cornered. I could not escape. No
21 matter what I did or said was going to be wrong. So I --
22 again, I would leave just for it to stop.

23 _: Um-hmm. And then further down it says, "I was now in fear

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 17

1 of my life after waiting for her to go home."

2 GAY: At that point --

3 _: But then you went outside the building. Why would you
4 have gone out of the building?

5 GAY: Because at first I did not see her when I walked out the
6 door. They were off to the left so when I came out the
7 door I didn't see her at first -- until I was out the
8 door.

9 M2: You had take -- you had presumed you were going to get a
10 ride home with Kathi?

11 GAY: Kathi, yeah.

12 M2: Where was Kathi's vehicle probably parked?

13 GAY: Off to the left of the door. Towards, uh, front door.

14 M2: OK.

15 GAY: To the left.

16 M2: There's another line. "Before I could tell Lori there
17 would be any more disciplinary actions taken for bodily
18 threats." That's the last paragraph of the first page.
19 What were -- what were your, um, intentions at that point?

20 GAY: At that point I would have suspended her. Minimum.

21 M2: As you had done later?

22 GAY: I -- no, this would have been a little bit more serious.
23 Because I think if anybody makes bodily threats against

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 18

1 anybody, something should be done with them in a
2 workplace. I've never made bodily threats to anybody when
3 I was working.

4 M2: So it would have been more than just administrative leave
5 at that point?

6 GAY: If I would have had the power, yes. But again, it was so
7 hostile at that point I never even -- I never even got
8 that far.

9 M2: Um-hmm.

10 _: Question is your superintendent -- Maureen comes back
11 tomorrow, how would -- how would this office run?

12 GAY: I don't think it would run correctly. I think what's --
13 what's going on during this incident -- we're all afraid.
14 Again, I can't speak for everybody, but I do feel that
15 we're all afraid, intimidated. What -- what will we say
16 wrong? A simple sentence and it went to this. How much,
17 you know, what's going to be the next time? And I did
18 nothing to offend anybody, and if I offend anybody, ever,
19 I apologize to them.

20 _: (inaudible) OK.

21 LOWRIE: There -- there's another one in quotations. "Nothing
22 was ever said about firing and she has now degraded my
23 personal character." Was that an actual statement?

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 19

1 GAY: No, what she --

2 LOWRIE: Was that a -- that was a thought?

3 GAY: That was her doubting my authority, which degrades my
4 authority as being a superintendent, or an officer on the
5 fire department.

6 _: (inaudible) water department.

7 M: Yeah. The fire department has nothing to do with this.

8 GAY: OK.

9 M: We're in here for this.

10 GAY: As superintendent. As an authority figure I was shown no
11 -- no -- nothing.

12 M: And you don't see how the word 'she' could be taken as
13 derogatory?

14 GAY: No. No. It was a simple elementary school sentence. And
15 I -- I watch people do it every day. It was nothing
16 intended by it or anything like that. It was just a
17 simple sentence so we could get this assignment done.

18 M: Were you aggravated over the assignment?

19 GAY: No, not at all. I just wanted to make sure it was done
20 and out on time and get the water billing done, most
21 importantly.

22 M: OK.

23 GAY: Matter of fact, I had a real good day that day.

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 20

1 M: How many more days, roughly, did you have to get that
2 paperwork out? Do you know? At the time.

3 GAY: It was done to like, I think, two, three days. I'm not
4 sure but it was coming to the point where there was so
5 much that we had to stop to make sure it was done. I'm
6 not sure of the exact time around that, to tell you the
7 truth. Because at that point they were asking for back to
8 four years worth, I believe. That's a lot.

9 M: Now, you did talk to LoriAnn prior to that for the whole
10 day?

11 GAY: Normal, yes.

12 M: In -- yeah.

13 GAY: No -- no, matter of fact, I was out doing check-ups for
14 most of the day. These guys were still reading. I was
15 out doing high readings, meeting people. Taking care of
16 the problems.

17 M: So no confrontation during the day or the day before this
18 (inaudible)?

19 GAY: No.

20 _: Do you recall the last meeting when we were discussing
21 ways to alleviate the situation and it got night? That,
22 um, your attorney said that a written apology from Lori
23 saying that she wouldn't do this and all that would

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 21

1 suffice? You would have been satisfied at that point?

2 GAY: I would have still, um -- fee threatened, unsafe. I -- I
3 wouldn't be able to work again with her after that.

4 _: And then on the second page of your statement, in the
5 first paragraph, about five lines down, it says, "I am
6 willing to help and forgive anyone."

7 GAY: Yeah. But she -- she went way overboard. Again, I went
8 several months, and even before that trying to help her.

9 _: We're only dealing with that night.

10 GAY: OK. You -- you said --

11 _: OK.

12 LOWRIE: But if you had gone seven or eight months what
13 happened before that to make you want to go out of your
14 way to not say anything or --

15 GAY: That's another incident that we're not allowed to talk
16 about today.

17 _: We're dealing with strictly April 27th.

18 LOWRIE: Right. But it's in his statement.

19 GAY: At this time this statement was written on April 27th and
20 not when we had the meeting with her attorney when it said
21 we could not talk about what happened in the past. This
22 statement was already done and signed and I was not going
23 to change it -- the document. I don't think that would

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 22

1 have been fair to anybody.

2 _: We're only dealing with the 22nd -- 27th.

3 LOWRIE: Just -- just by point of clarification given the
4 Board's understandable position. They only want to
5 consider what happened on the 27th. Any portion of this
6 statement (inaudible) that deals with things prior to that
7 (inaudible) consider?

8 _: No.

9 LOWRIE: That you might consider -- you could consider
10 (inaudible)

11 _: Will not consider it. And why would you fear working with
12 her? What -- is it bodily harm or just verbal or --

13 GAY: No. I -- I feel after what I seen happen that day that
14 the next thing would be something, if I was alone with
15 her. Or I sexually harassed her -- I've never done that
16 to a woman or a person in my life. I never would do that.
17 But after this date and what -- what happened here, how
18 these events unfolded, and I -- I just cannot trust her no
19 more.

20 _: Was your intention that day to fire her?

21 GAY: No, sir. As a matter of fact that -- I had no intention
22 to fire her. I was trying to just let her go home, cool
23 off, defuse. But then, again, she come at me in the

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 23

1 parking lot. If she were to just -- at any point just had
2 stopped, gone home, nothing more would have been done.

3 But it was like she wanted to push it to the limit. How
4 far can I really push him?

5 _: And you -- you feel the two months of administrative leave
6 would not be enough?

7 GAY: That was like a vacation. The -- you know, for my stress,
8 if you're saying that, I want two months administrative
9 leave to try to get my composure back. Administrative
10 leave that -- for what's going on in here is a paid
11 vacation -- the two months that -- I've been here 15
12 years, I don't even get that much in a year.

13 _: But there are extenuating circumstances that didn't allow
14 the prior board to act on it except for it would have been
15 Michael alone and that wouldn't have been fair to put the
16 burden on him. So you --

17 SANBORNE: I couldn't vote on that, either.

18 _: What did you say?

19 SANBORNE: I couldn't vote on it, one person.

20 _: No, you're right. Did you -- either that night or the
21 following day notify the -- was there only two
22 commissioners back then, right?

23 _: Um-hmm.

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 24

1 _: Did you notify both of them as to what happened?

2 GAY: Um-hmm.

3 _: Was it that night or the next day?

4 GAY: I had seen Mike that night and I briefly talked to John.

5 _: And they were well aware of what happened, basically?

6 GAY: Um-hmm.

7 LOWRIE: How does a person get put on administrative leave?

8 Can it be a verbal or is it a writing thing?

9 GAY: After what --

10 LOWRIE: I don't know what the policy is.

11 GAY: After what unfolded that day I -- I had told Mike and the
12 best solution for the problem at the time so nothing more
13 would go on was the administrative leave.

14 LOWRIE: Um-hmm.

15 GAY: So that we could continue on with the billing without
16 having more problems.

17 LOWRIE: OK.

18 _: So who actually (inaudible).

19 _: How did -- how was Lori notified? Did she --

20 GAY: By a letter.

21 _: By a letter?

22 GAY: Yeah.

23 _: OK.

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 25

1 _: And they -- and it was by phone call the next morning,
2 too.

3 _: Phone call, too.

4 _: Do we have a copy of that letter? Does it state all this
5 that's in your, um, statement in --

6 GAY: No. The statement was not allowed to be brought out until
7 the last meeting.

8 _: OK. And quick question. The agreement was between both
9 you and the commissioners at that time to put her on
10 administrative leave?

11 GAY: Yes, Sir.

12 _: Was there any amount of time specified or were they just
13 trying to get through and try to work it through and
14 settle it?

15 GAY: Get the new -- get the new election so that there would be
16 a full board.

17 SANBORNE: And -- I'd like to say something. We were hoping we
18 could resolve this but in the position we were in, we had
19 one water commissioner resigned, one water commissioner
20 was related --

21 _: Hold on for a second.

22 _: Tape's out.

23 _: Yeah, tape is --

L. MORAN V. ONSET FIRE DISTRICT, 6/30/04
ONSET BOARD OF WATER COMMISSIONERS

Page 26

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END OF TRANSCRIPT

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